
Christopher J. Stockwell

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[First Reader’s Signature]

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Susan Whiting, Supervising Professor
Department of Political Science

[Second Reader’s Signature]

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Mark Smith, Second Reader
Department of Political Science
Abstract

Since the passing of the Taft Hartley Act in 1947, anti-union legislation has been primarily focused on federal level legislation and Supreme Court challenges aimed at weakening the previously formidable private sector unions. However, today, state level challenges that primarily focus on public sector unions dominate the landscape. These state level challenges are most commonly referred to as austerity measures, and their stated purpose is to close state budget gaps. I argue that this transition constitutes a fundamental change in the overarching strategy of anti-union activists, their funding structures, and the politicians involved. This study seeks to explain the historical foundation of this transition, as well as the causal factors in three case studies, namely Wisconsin, Ohio, and Washington State. Here I argue that the culmination of the global financial crisis, the sizable gains in state legislatures and governorships by conservative Tea Party backed Republicans in the 2010 midterm elections, as well as ever-present corporate interests and lobbying groups have created sufficient conditions for these new incarnations of anti-union legislation to thrive. I will analyze the conditions prior to the transition, as well as the cultural, socioeconomic, and political conditions in the studied states. This approach will help to explain why this transition has happened, and subsequently why the front line of this conflict is now focused on states and their still powerful public sector unions.

Introduction

Labor legislation of the twentieth and twenty-first centuries has gone through many phases. One significant phase happened between the passing of the Taft-Hartley Act (1947) and 2010, during which time efforts to limit the collective bargaining rights of unions and employees focused mostly on national legislation and legal challenges at the federal level. For instance,
massive deindustrialization in the unionized north, as well as simultaneous industrial relocation to southern states, effectively marginalized the power of the industrial private sector unions in the Rust Belt region during the 1950s and 1960s (Fantasia, 2004, p. 74). The Right-to-Work laws that made industrial relocation to southern states an attractive option have their basis in Section 14(b) of the Taft Hartley Act (1947), which allows states to outlaw closed and union shops. In other words, in a Right-to-Work state there is no compulsory union membership even in workplaces where the majority of workers have voted in favor of union representation. States began passing these Right-to-Work laws in 1947, coinciding with the passing of Taft-Hartley (1947) (National Right-to-Work Legal Defense Foundation (NRTW), 2012). These laws currently exist in twenty-three states, the twenty-third being Indiana in February 2012 (Guyett, 2012). Indiana represents a bit of an outlier to my argument since I identify Right-to-Work as tied to federal legislation, whose purpose is to disempower private sector unions. It is also the first to pass such legislation since Oklahoma in 2001 (NRTW, 2012). In other words, while Right-to-Work is passed by the states, it is a national strategy that does not affect public sector unions. As a result of Right-to-Work there has been an alarming decline in the percentage of unionized private sector workers since the late 1950s (Figure 4). During this phase the overall percentage of unionized workers in the United States shrunk from about one third (Levi, 2003, p. 47), to 11.9% in 2010; while only 6.9% of private sector employees were unionized in 2010 (Bureau of Labor Statistics (BLS), 2010).

In 2010 union legislation entered a new phase. We now see a trend of anti-union legislation at the state level that is now manifesting itself as austerity measures whose stated purpose is to aid the balancing of state budgets. These austerity measures are distinct from previous anti-union legislation in that they originate at the state, and not the federal level, and
focus on eliminating public sector unions. This is an important distinction because these still formidable public sector unions exist as the result of state legislation that has been passed in more than half the states since the 1960s (Slater, 2000, p 981). Therefore these unions can only be weakened or eliminated through state legislation. That fact renders the previous federal level anti-union strategies irrelevant to these public sector unions. On balance I argue that these state austerity measures are the latest adaptation of tactics in the longstanding legislative efforts to weaken or eliminate labor unions in the United States.

If this new wave of anti-union state legislation is (as I argue) truly a strategic transition whose purpose is to eliminate public sector unions, then it is vital to analyze three things in the studied cases: (1) the funding structures, participants, and organizations involved; (2) the parallel legislative strategies and state’s political situations; (3) and the socioeconomic and cultural situations of the states. As I will show, these common elements have thus far produced very similar outcomes toward the weakening of collective bargaining for public sector unions in Ohio and Wisconsin. However, when compared to Washington State (another state implementing budget cutting austerity measures in 2011) these same elements produce dissimilar outcomes.

**Background of the Transition: Labor Legislation of the Twentieth and Twenty-First Centuries**

With the exception of the defunct National Industrial Recovery Act (1933), and the National Labor Relations Act (1935), federal legislation relevant to organized labor has been geared towards weakening private sector unions. This is most apparent in legislation such as Taft-Hartley (1947) and Supreme Court cases like NLRB v. Jones & Laughlin Steel Corp. 301 U.S. 1(1937). What nearly all union relevant legislation and legal challenges of the 1930s and
1940s had in common was that they were almost exclusively a federal affair, and focused on the collective bargaining rights of private sector unions. The judicial rules of federal courts governed public labor law before being supplanted by various state statutes in the 1960s. Another development in public sector unionization during this time was President Kennedy signing Executive Order 10988 in 1962, which recognized federal workers’ unions (Slater, 2000, p. 989; Ahlquist, 2012, p. 6). In other words, the very small number of public sector unions and union members that did exist at the time were effectively off limits from federal anti-union legislation (Slater, 2000, p. 989). In short, there was nearly no public sector union presence, and what little there was didn’t factor into the anti-union strategies of the 1930s and 1940s. The original basis for the NLRA (1935) (also known as the Wagner Act after its chief sponsor Senator Robert Wagner) actually had more to do with the Great Depression and the necessity of the federal government to better regulate all areas of the economy. In the case of the NLRA (1935) the Commerce Clause of “The Constitution of the United States” Article I, Section 8 was invoked in order to regulate relations between labor and management, and thus put an end to the rampant strikes and industrial strife that were interfering with interstate commerce (Gould, 2004, p. 28). The nationwide regulation of private industry and the private sector labor force was standard practice for this time period.
The militant and left factions of the more activist unions (namely the industrial unions) saw the NLRA (1935) as a setback after the NIRA (1933) had been ruled unconstitutional in *Schecter Poultry Corp. v. United States* 295 U.S. 495(1935), this being one example of the back and forth nature of federal labor legislation of the time. The NLRA (1935) and the Roosevelt administration openly encouraged the greatest expansion of organized labor in the country’s history by allowing the federal government to regulate labor negotiations (Milton, 1982, p. 151). This expansion is also illustrated in Figure 1. Ironically, giving the government a seat at the bargaining table opened up industrial workplaces to unionization that were unthinkable beforehand. The initial explosion of union membership shows a strong correlation to the passing of the NLRA (1935), as the timing of the two precisely coincide. The pertinent section of Figure 1 shows this growth beginning at the time of the NLRA (1935) in the mid-1930s, as well as the ensuing wartime and postwar union membership growth. Figure 2 shows the corresponding
annual increases in national median income from the late 1940s postwar peak of private sector union expansion to the beginning of private sector union demise and American wage stagnation in the mid-1960s. The success of the NLRA (1935) in strengthening private sector collective bargaining rights, in addition to the unprecedented expansion of private sector industrial unions, as well as their corresponding rising incomes, was motivation enough for anti-union forces to pass yet another piece of federal labor legislation to counteract these gains.

**Figure 2: Postwar Median Income**

![Median Household Income 1947-1965](image)


Union membership attained its highest level in terms of percentage of the workforce unionized in the late 1940s (Levi, 2003, p 47). At that same time congress passed the Taft-Hartley Act (1947), which was to be the legislation that made subsequent Right-to-Work laws possible. Section 14(b) of the act, otherwise known as the “Right-to-Work Clause,” allows states to outlaw compulsory union membership, in effect ending union and closed shops in any states.
that choose to exercise the option. Currently twenty-three states have Right-to-Work laws on the 
books, the twenty-third being Indiana in February 2012, which was the first to pass such laws 
since Oklahoma did so more than ten years ago (Guyett, 2012). These Right-to-Work states are 
predominantly in the South; the remainder are scattered throughout the Great Plains, Rocky 
Mountain, Southwest, and now (with the inclusion of Indiana) Midwest regions. As already 
mentioned in the introduction, Indiana represents a bit of an outlier to the current public sector 
focused state legislation that I identify in this study, especially since in many ways it is culturally 
and economically similar to Ohio and Wisconsin. That said, it does lie further south, and is 
politically more conservative than most other Rust Belt states including Wisconsin and Ohio. 
Perhaps these factors help explain its adoption of Right-to-Work over state level efforts to 
eliminate public sector unions. This however, is only speculation, and is outside the scope of 
this paper. Even though Indiana’s choice to implement Right-to-Work seems out-of-sync with 
current legislative trends, it is still an especially sharp blow to the organized labor movement 
since Indiana is the first of the industrial hubs of the Rust Belt to pass Right-to-Work laws in any 
form.

As a result of the new power being wielded by organized labor by the 1950s, industries in 
cities like Detroit were already moving to these Right-to-Work states (Sugrue, 2005, p. 130). 
This is the fertile soil where the ultimate deindustrialization and depopulation of northern, 
predominantly Rust Belt states was sewn. Additionally, it signaled an end to the dominance of 
private sector industrial unions in the Rust Belt region. With this de-facto deindustrialization of 
the Rust Belt states complete, I argue that the following decades of wage stagnation (Figure 6), 
and lack of gainful employment in the remaining manufacturing industries of the region has been 
successful in not only marginalizing organized labor, but also in turning public opinion against
unions in general (and public sector ones in particular). The convergence of these elements, I argue, has actually made these former hubs of union strength prime test sites for this new type of state level legislation that is focused on still formidable public sector unions.

**Figure 3: Median Incomes 1967-2010**

![Median Household Income 1967-2010](image)


As I have already mentioned, relocation of industry away from the Rust Belt region to Right-to-Work states was made worse by union concessions, declining pay, and declining non-wage benefits at the remaining industrial jobs in states like Wisconsin and Ohio (Wilson, 1996, p. 28). Not only did deindustrialization and relocation of industry decimate the employment prospects of industrial workers, but with only a weak union presence, it allowed employers to pay significantly lower wages and offer little or no non-wage benefits to employees in the Right-to-Work states where they relocated (Hacker, 2010, p. 57). The end result has helped to further stagnate the economic fortunes of working people, as well as marginalize already weakened
private sector unions (p. 57). The proliferation of deindustrialization, Right-to-Work laws, anti-
union advocates such as The National Right-to-Work Committee, declining private sector union 
membership (Figure 4), and the stagnation of workers’ median household incomes in the United 
States (Figure 3) directly coincide. This stagnation can be clearly seen in Figure 3 representing 
the median income of the lowest fifth (poverty level), second fifth (blue collar working class), 
and middle fifth (middle class). When compared to the rise of incomes we see in Figure 2 (60% 
over 18 years between 1947 and 1965 for all households), to the rise in Figure 3 (only 22% for 
the middle fifth during the 43 years between 1967 and 2010) this stagnation becomes even 
starker. This is especially true when the fact that the middle fifth (and their unimpressive 22% 
rise in median income over 43 years) have done significantly better than the working and poverty 
classes over the same time period (Figure 3). By 2010, private sector union membership had 
fallen to 6.9% of the overall workforce, while public sector union membership had risen to 
36.2% of the public sector workforce (BLS, 2010; Figure 4). Perhaps more important to note, in 
2009 public sector unions eclipsed private sector ones in real numbers, 7.5 million versus 7.2 
million respectively (Ahlquist, 2012, p. 4). More ominous for the future of private sector unions 
is that they now are mostly concentrated in highly skilled trades, and therefore lack the lower 
skilled industrial base they once had (p. 4). It is important to recall that during the 1930s and 
1940s it was the unprecedented expansion of unionization to lower skilled industrial workers that 
bolstered organized labor’s numbers (Milton, 1982, p. 151). To me, these are the hallmarks of 
private sector unions that have been rendered powerless.
Another notable national level strategy began to unfold with the election of Ronald Reagan. During the first year of the Reagan administration, two developments had significant negative effects on unions in the United States. The first development happened in the summer of 1981 when Reagan fired and barred for life more than 11,000 air traffic controllers. The second significant development occurred when Reagan appointed two of the five-member National Labor Relations Board (NLRB). These events, and the subsequent Reagan appointments to the board, established a solid pro-management majority, which expanded employer’s ability to oppose union organizing (Farber & Western, 2002, p. 385). Farber and Western further argue that this pro-management NLRB had negative impacts for union organizing in all industries with the exception of construction. However, this NLRB was
especially detrimental to private sector manufacturing union elections, where elections fell from 285 elections per month to just 84 per month during 1981 (p. 397).

**Wisconsin Act 10**

Based on the analyses of prior federal level legislation focused on private sector unions that dominated for most of the twentieth and early twenty-first centuries, as well as the relative strength of public sector unions, a state level attack of these public sector unions would be the next logical move for anti-union proponents such as Koch Industries and Tea Party backed grassroots groups. Wisconsin was the first state to legalize collective bargaining for state workers in 1959 (Ahlquist, 2012, p. 6), therefore it seems fitting that it is the site of the first significant upheaval over the restriction of those same collective bargaining rights for public sector employees. Here I’ll examine *Wisconsin Act 10 (2011)* against what I claim are the three most important causal factors responsible for this direct challenge to collective bargaining rights. I argue that if these socioeconomic/cultural factors, political/legislative strategies, and funding structures/actors are similar at the outset that they will yield similar outcomes for the collective bargaining rights of public sector workers, as I find to be the case in Wisconsin and Ohio. Conversely, when these determinants significantly differ we see a divergence in the outcomes of collective bargaining rights for public sector workers, as I find to be case in Washington State.

**Socioeconomic and Cultural Factors**

Recent sociological research has exposed an apparent schism between public and private sector workers in Wisconsin (Ahlquist, 2012, p. 13). This development seems especially so amongst blue collar private sector workers with union as well as non-union backgrounds (p. 13). The crux of this split seems to center around public sector employees wages as well as non-wage benefits such as pensions and health care packages that appear to be significantly more generous
than what the average private sector employee receives. Amongst those sampled, the predominant opinion seems to be that unions were the reason that public sector workers were awarded wage and non-wage benefits disproportionate to their private sector counterparts (p. 13).

Whether this development is due to the success of public sector unions or the deterioration of private sector ones is up for debate. What these Wisconsians have tapped in to, though, has its basis in fact. As can be seen in Figure 5 the average unionized public sector worker in the United States earns $103 more per week than a private sector union member, and $265 more per week than the average non-unionized private sector worker (BLS, 2012, p. 9). When the gap in incomes between Wisconsin and Ohio are compared with Washington State (Figure 6), they become important causal factors in the proliferation of direct attacks on the collective bargaining rights of public sector unions. The economies of Washington State versus Ohio and Wisconsin differ significantly. The annual median household income in Washington State is about $5000 more than the average annual median household income of a unionized public sector employee (BLS, 2012; Bureau of the Census, 2012). Ohio and Wisconsin both have annual median household incomes that fall below the average annual median income of a unionized public sector employee (Figures 5 & 7). In effect, workers in states like Wisconsin and Ohio (especially non-college educated blue collar workers) have seen their incomes stagnate and non-wage benefits deteriorate (Ahlquist, 2012, p. 2), while public sector employees continue to enjoy those same pay and non-wage benefits that previous generations of private sector union members helped to establish. For instance, in Wisconsin the average public sector employee makes $1857 more per year than the average private sector employee, and that does not factor in the difference in non-wage benefits. In Ohio the gap is slightly larger, but comparable to Wisconsin. The same cannot be said of the skills and education-centric technology driven
economy of Washington State where the gap is quite narrow (Parkhurst, 2012; Appendix 1). I argue that these same factors helping to create this angst in Wisconsin and Ohio also helps to explain the lack of private sector angst toward public sector unions in Washington State.

**Figure 5: Weekly Median Incomes**

This more moderate political environment, combined with the already weakened state of private sector unions as the result of decades of deindustrialization and longstanding unemployment as well as stagnant household incomes throughout the Midwest region, are each contributing factors that make these states ripe for more direct attacks on collective bargaining from the right. This is especially evident when they are compared to a more left leaning example, such as Washington State. Looking at the union density of these states better reveals this left versus moderate cultural situation. Wisconsin and Ohio rank 13th and 14th respectively in union density, whereas Washington is extremely union dense at 19% of the state’s workforce,
placing it at 4th behind only New York, Alaska, and Hawaii respectively (BLS, 2012, p. 11). Comparing this to the percent of the workforce unionized in Wisconsin 13.3%, and Ohio 13.4% illustrates yet another bellweather of the cultural and socioeconomic situations in Washington, Wisconsin, and Ohio (p. 11). Wisconsin’s median household income has been mostly stagnant for a decade. There was a brief period of significant gains in median incomes starting in 2005, followed by declining median incomes since 2006 (Figure 6). Finally, public opinion polling on union support has been trending down. A national Pew survey recently reported that between January 2007 and February 2011, favorable opinion of unions fell from 58% to 45%, and the unfavorable opinion of unions rose from 31% to 41% (Pew, 2011). These relevant cultural and socioeconomic factors, I argue, make Midwest states such as Wisconsin prime test sites for direct legislative strategies to limit the collective bargaining rights of public sector unions.

Parallel Legislative Strategies and Political Factors

Wisconsin Act 10 (2011) is the paired down version of the original bill, Wisconsin Senate Bill 11 (2011) that included the collective bargaining and state budget portions under one bill. By separating the collective bargaining clauses from the fiscal clauses (which requires a 60% majority) and creating a stand-alone bill Wisconsin Act 10 (2011), the Wisconsin State Senate was able to pass the bill with a simple majority. In other words, it was able to pass with only the support of eighteen Republican state senators.

The language of Wisconsin Act 10 (2011) is quite explicit in its elimination of collective bargaining rights, Section 169, 66.0508 Subsection (1m) the bill states, “Except as provided under subch. IV of ch. 111, no local government unit may collectively bargain with its employees.” This is the clause that legislators claim eliminates collective bargaining on all matters excluding salary, and for all public sector employees except “Public Safety Employees”
described in Section 111. Furthermore Section 169, 66.0508 Subsection (3) states that, “Each local government unit that is collectively bargaining with its employees shall determine the maximum total base wages expenditure that is subject to collective bargaining.” According to the statute it appears that the government agency is legally authorized to present any collective bargaining unit with a non-negotiable ceiling on employee salary (salary being the only negotiable item left under this bill) before even sitting down at the bargaining table. These preconditions on the part of the government employer constitute its failure to bargain in “good faith” according to the National Labor Relations Act Sec. 8. [§ 158.] (d),(1935) and upheld in NLRB v. General Electric 418 F.2d 736, 756(CA2 1969).

The Wisconsin bill diminishes the overall value of unions to employees by making the unions’ existence inconsequential. This was done by the explicit removal of any collective bargaining rights that make union membership an asset to the public employee. Public safety employees unions, however, are mostly exempt from the bill’s collective bargaining provisions. Police and firefighter unions are historically more conservative, and therefore a lower priority for the now conservative majorities of the Wisconsin state legislatures (Klein, 2011). Equally exempt are private sector and federal employees whose collective bargaining rights are both determined by federal legislation, and are therefore outside the grasp of state statutes such as Wisconsin’s. This double standard toward public safety unions is an aspect that is not included in the Ohio Senate Bill 5 (2011). While I claim that the determining factors are similar in both states, and therefore cause similar outcomes, they are not identical. Ohio Senate Bill 5 (2011) came later in the year than Wisconsin Act 10 (2011), and just like subsequent versions of a prototype, subsequent and similar legislation retains what works, and in turn disposes of what
does not. This could be the situation here. The following is the aforementioned clause explicit
to public safety employees in Wisconsin Act 10 (2011):

Permissive subjects of collective bargaining; public safety employees. A municipal
employer is not required to bargain with public safety employees on subjects reserved to
management and direction of the governmental unit except insofar as the manner of
exercise of such functions affects the wages, hours, and conditions of employment of the
public safety employees in a collective bargaining unit Section 210. 111.70 (4) (p)
(2011).

The wording is clever and at first read appears to similarly limit the bargaining rights of
public employees classified as public safety employees; however a closer reading shows that
municipal employers actually must bargain with public safety unions on the aforementioned
issues in areas that affect wages, hours, and conditions of employment. “Wages, hours, and
conditions of employment,” as it is worded, neatly encompasses practically every aspect of any
given workplace, and appears to be a concession to the more conservative public safety unions.
In other words, under this law public safety employees continue to enjoy the full spectrum of
collective bargaining rights that are denied to all other public sector employees. The clause even
allows for collective bargaining on management and direction of the governmental unit where
there is overlap with wages, hours and other conditions of employment. What is not included in
the language of the statute is that public safety unions such as police and firefighters unions are
predominantly male, while most other public sector unions, such as teachers’ and nurses’ unions
are predominantly female. Regardless of the current double standard or possible gender bias that
is partially shielding public safety unions in Wisconsin, if weakening or eliminating public sector
unions through state austerity measures is the goal, it is only a temporary reprieve. Public safety
unions are as formidable as the other public sector unions that have had their collective bargaining rights eliminated in Wisconsin. While focusing on public safety unions may currently be a lower priority, they are still public sector unions, and therefore still fit the profile for elimination.

Whenever partisan legislation such as Act 10 (2011) is passed there is always a political angle to be analyzed. That environment includes both of Wisconsin’s legislative houses flipping to Republican majorities. Equally important is the election of a Republican governor. Angst toward public sector workers, the global financial crisis, and a poor employment outlook in Wisconsin created a political environment in 2010 that differed significantly from the one that existed at the time of the 2008 elections. Prior to the 2010 elections, Democrats in the Wisconsin State Assembly had a six-seat majority, after the elections the Republicans had a twenty-one seat majority. Prior to the 2010 elections Democrats in the Wisconsin State Senate had a three-seat majority, after the elections Republicans had a seven-seat majority (Atlas of U.S. Presidential Elections (AUSPE), 2012). What is interesting to note about the seven-seat Republican majority in the Wisconsin State Senate is that eighteen Senators represent a quorum, which is capable of passing most legislation. Act 10 (2011) was separated from the state budget in order to pass it with a simple majority, a 60% majority being necessary to pass the state budget. Eighteen Republican Senators voted for it, while not one Democratic Senator did (State of Wisconsin Legislative Reference Bureau, 2011). Equally important to the legislative gains was the replacement of Democratic Governor Jim Doyle with the Tea Party backed Republican Scott Walker (AUSPE, 2012). The socioeconomic and cultural factors in conjunction with the legislative strategies and political situation of Wisconsin after the 2010 elections are both powerful causal factors that drove the passing of Act 10 (2011). Next I will analyze what I argue
is the third causal factor driving the proliferation of direct state level legislation designed to limit collective bargaining for public sector unions in Wisconsin.

**Funding, Participants, and Organization**

*Wisconsin Act 10 (2011)* passed through the Wisconsin State Assembly and later the State Senate with the required quorum of eighteen senators on March 10, 2011 by a vote of 18 to 1. Republican Governor Scott Walker signed Act 10 2011 into law on March 11, 2011 (Vos, 2012). This law passed with the support of only Republican state senators. Only one Democratic Senator was present for the vote, as all but one was absent in protest. This bill that passed by implementing legislative maneuvers that allowed it to become law without the support of a single Democrat could not have happened before the 2010 elections that brought Tea Party backed Republican majorities into both state houses and the governor’s mansion (Politico, 2010).

The reactions of the Democratic state legislators, as well as the response of unions and protestors, are evidence that Act 10 (2011) could not have passed in less partisan circumstances. The timing of this legislation is relevant; as it was brought to the legislature for debate almost immediately after Republicans took control of the governorship and both houses of the state legislature.

*Wisconsin Act 10 (2011)* passed as the result of the 2010 wave that flipped Wisconsin’s governorship and legislatures to Republican majorities and exposed a wider political and economic agenda. Much of the funding for so-called grassroots organizations that worked for the passing of Act 10 (2011) in Wisconsin can be traced back to secretive nonprofit organizations like the Alliance for America’s Future headed by Liz Cheney, the Partnership for America’s Future headed by Mary Cheney, and Americans for Prosperity headed by David Koch.
and Richard Fink, the latter being a member of the board of directors of Koch Industries (Nichols, 2011; Harding, 2011). It is widely reported that most of the contributions to the Liz Cheney headed Americans for America’s Future come from the Mary Cheney headed Partnership for America’s Future, the latter being a 501(c)(4) organization, which does not have to disclose the identities of their donors. The former is a 527 organization, which does have to disclose the identities of their contributors (Nichols, 2011). In other words, the organizations that are funding the anti-union grassroots organizations are being exclusively funded by organizations that won’t, and are not required to, divulge their donors. The partial success in recall elections of state senators and representatives, the impending June recall election of Governor Scott Walker, and a federal court’s partial repeal of Act 10 (2011) means that these special interests can only claim a partial victory in Wisconsin (AFSCME, 2012). Despite these apparent setbacks the same special interest groups spent millions of dollars to pass nearly identical legislation in Ohio. What is even more important for the purposes of this study is that the convergence of these three causal factors helped to bring a direct legislative challenge to the collective bargaining rights of public sectors employees in Wisconsin. Similarly, in Ohio we see nearly identical causal factors bringing yet another direct challenge to the collective bargaining rights of public sector employees.

Ohio Senate Bill 5

Here I will show that the causal factors at work in Wisconsin are similar to those at work in Ohio, and are subsequently causing similar outcomes in the two states. From a strictly strategic standpoint the figures from the Bureau of Labor Statistics in Figure 4 show that the public sector unions are the only logical area of organized labor left to attack. The only tool for eliminating or weakening these public sector unions is the type of state measures that we see in
Ohio and Wisconsin. In short, since the battlefield is at the state level, the anti-labor side is adapting their strategy to fit the venue. Once again I argue that the socioeconomic/cultural factors, political/legislative strategies, and funding structures/actors involved are the causal factors responsible for the elimination of the collective bargaining rights of public sector employees in Ohio. In addition, I claim that these similar causal factors are yielding similar outcomes to those seen previously in Wisconsin. Later I will show how dissimilar causal factors in Washington State cause dissimilar outcomes to the collective bargaining rights of public sector workers there.

**Socioeconomic and Cultural Factors**

As Thomas Sugrue points out, “Corporations made decisions about plant location and employment policy in a specific political, cultural, and institutional context, in the case of postwar Detroit in the aftermath of the rise of a powerful union movement” (Sugrue, 2005, p. 130). Conversely, public sector jobs cannot be relocated, however if these same factors that made private sector focused federal legislation such an attractive prospect arise in a state with a significant public sector union presence, then such states would be primed for state level legislative efforts to eliminate those public sector unions. This is especially so when the aforementioned cultural/socioeconomic factors exist in that state. This is the situation in Ohio in 2011. Here I argue that these cultural and socioeconomic factors in Ohio line up precisely with what is transpiring in Wisconsin when compared to the same factors.

The first factor to consider is the socioeconomic situation of Ohio, and how that compares to Wisconsin. The “state culture” of the Rust Belt area reflects moderate and centrist political values (Newport, 2012, p. 1), however I do not believe that these are the only factors
that make these states prime test sites for state level legislation aimed at public sector unions. Another factor to consider is the union density of the states. Wisconsin and Ohio rank 13th and 14th respectively in union density, only separated by .1%, making them practical mirrors of each other in this specific category. Whereas Washington State is extremely union dense at 19% of the state’s workforce belonging to unions, placing it at 4th behind only New York, Alaska, and Hawaii respectively (BLS, 2012, p. 11). Compare this to Wisconsin at 13.3% or Ohio at 13.4% and a clearer picture of the different cultural situations at work in these states emerges (p. 11).

As noted earlier the average unionized public sector worker in the United States earns $103 more per week than a private sector union member, and $265 more per week than the average non-unionized private sector worker (BLS, 2012, p. 9; Figure 5). Again, the gap in incomes between Wisconsin and Ohio as compared with Washington State (Figure 6) becomes an important causal factor in the proliferation of direct legislative efforts (on in Washginton’s case indirect efforts) to limit the collective bargaining of public sector unions. The same argument citing the differences between the economies of Washington State versus Wisconsin are equally relevant when Washington is compared to Ohio. The annual median household income in Washington State is about $5000 more per year than the national average income of a unionized public sector employee (BLS, 2012; Bureau of the Census, 2012). Ohio’s annual median household income is about $5000 less than the national annual median income of a unionized public sector employee (Figures 5 & 6). The Census Bureau 2010 data shows that Ohio’s median household income has been flat for most of the past decade (Figure 6). Just as it was with Wisconsin, there was a brief period of significant rising median incomes in Ohio near the middle of the decade (Figure 6). After that we see mostly declining incomes from 2006-2007 for the rest of the decade, just as is the case in Wisconsin (Figure 6). Perhaps the most notable
difference in the two states’ income outlooks over the past decade would be the severity with which Ohio’s incomes have declined in recent years (Figure 6). Ohio blue collar workers have seen their incomes stagnate and non-wage benefits deteriorate (Ahlquist, 2012, p. 2), while public sector employees continue to enjoy those same pay and benefits that private sector workers are now denied. When the 2009 state data is compared, private sector workers in Ohio make $2392 less than their public sector counterparts (Appendix 1). This is almost a mirror image of the cultural/socioeconomic situation in Wisconsin. As I will show later the cultural/socioeconomic situation of Ohio and Wisconsin differ significantly from the robust technology driven economy of Washington State (Parkhurst, 2012). These same factors help to explain the lack of private sector angst toward public sector unions in Washington. When taken together with the other cultural elements we would expect to see similar legislative tactics employed in both states, especially if those efforts appear to be having the desired effect. In the case of Ohio that prediction turns out to be the correct one, as Ohio Senate Bill 5 (2011) became law before it became apparent that Wisconsin Governor Scott Walker would have to survive a recall election to keep his office as a direct result of passing Wisconsin Act 10 (2011).

**Parallel Legislative Strategies and Political Factors**

Ohio Senate Bill Number 5 (2011) is nearly identical in purpose and scope to Wisconsin Act 10 (2011). Ohio’s bill is more subtle in its delivery. For instance, it states in Section 4117.06 (7.2) “This section shall not be deemed to prohibit multi-unit bargaining.” Similarly, Section 4117.08 (A) states, “All matters pertaining to wages, hours, and terms and conditions of employment are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section.” Section 4117.08 goes on to specify exceptions that restrict most collective bargaining rights nearly to the point of elimination.
Among them, public sector employees are barred from negotiating on medical benefits, retirement contributions, or anything having to do with actual working conditions. **Section 4177.09 (C)** eliminates compulsory membership in the collective bargaining units of the public sector workplaces, effectively creating within the public sector of Ohio what can only be called a Right-to-Work system.

As in the Wisconsin bill, **Ohio Senate Bill 5 (2011)** comes down hardest on the collective bargaining units of teachers. Wisconsin legislators did this implicitly by exempting public safety unions from the collective bargaining provisions of **Wisconsin Act 10 (2011)**, but as **Ohio Senate Bill 5 (2011)** is in many ways an improvement upon the Wisconsin bill, it is only sensible that it shows some deviations from its Wisconsin predecessor. As protests in the winter of 2011 at the capitol in Madison, Wisconsin illustrate, police and firefighters came out in similar numbers as other public employees to protest **Wisconsin Act 10 (2011)**. Since exempting these employees from the collective bargaining provisions of the Wisconsin bill did not have the desired effect, it made little sense for the Ohio bill to exempt these same public safety employees in its own bill, therefore Ohio’s law restricts the collective bargaining rights of all public sector employees under the state’s jurisdiction (Bybee, 2011). **Wisconsin Act 10 (2011)** implicitly creates a double standard that negatively affects teachers’ unions by exempting public safety unions; **Ohio Senate Bill 5 (2011)** marginalizes teachers’ unions explicitly in the statute itself. In addition to the aforementioned restrictions to collective bargaining rights **Section 4117.081 (B) (3)** restricts the bargaining unit from negotiating on maximum class sizes, **Section 4117.081 (B) (5)** eliminates seniority as a determining factor in layoffs, and **Section 3314.10 (A3)** bars the employees of charter schools from belonging to any bargaining unit whatsoever. When **Wisconsin Act 10 (2011)** and **Ohio Senate Bill 5 (2011)** are compared, what emerges are nearly identical laws with
nearly identical outcomes. Even when the minute differences of the statutes are considered, they fail to produce significant differences in the outcomes.

It’s important to further analyze the partisan political aspect surrounding Ohio Senate Bill 5 (2011). That political situation before the 2010 elections consists of Republicans retaining their majority in the Ohio State Senate. Identical to Wisconsin, the Ohio State House of Representatives flipped to a twenty-one seat Republican majority. The major notable difference in the political situation between Ohio and Wisconsin before the 2010 elections was that Republicans already controlled the state senate in Ohio. However, what is most relevant to my analysis is that after the 2010 elections Republicans controlled both legislatures and the Governor’s office in Ohio, as was the case in Wisconsin. Equally important is the election of Republican John Kasich over the popular Democratic Governor Ted Strickland (AUSPE, 2012). As was the case in Wisconsin, this shows a political transition in the governor’s office, and therefore a political transition in public opinion. The socioeconomic and cultural factors in conjunction with the political situation of Ohio after the 2010 elections were both powerful causal factors that drove the passing of Ohio Senate Bill 5 (2011), as was the case with Wisconsin Act 10 (2011). Next I will analyze what I argue is the third causal factor that drove the proliferation of direct state level legislation designed to limit the collective bargaining rights of public sector employees in Ohio.

**Funding, Participants, and Organization**

The political and corporate interests that lobbied for and bankrolled Senate Bill 5 (2011) through the Ohio state legislature, and subsequently the grassroots organizations that attempted to kill the proceeding repeal referendum, are the same as in Wisconsin (Harding, 2011). Liz
Cheney’s Alliance for America’s Future spent millions on efforts to kill the repeal referendum in Ohio, as well as flooded the state with mailers explicitly stating that voting to repeal Senate Bill 5 (2011) is a vote to pay for 100% of public employees health insurance (Politifact, 2011). The main difference from the grassroots standpoint between Wisconsin and Ohio is that union activists in Ohio weren’t taken by surprise, as was the case in Wisconsin. Labor backed groups in Ohio such as We Are Ohio assumed that the collective bargaining rights of public sector employees in Ohio were at risk. In fact those collective bargaining rights were high on the agenda of conservative politicians such as newly elected Republican Governor John Kasich and conservatively oriented and corporately funded interest groups representing individuals such as Liz Cheney and David Koch (Nichols, 2011). The second difference is the ability of Ohioans to mount a veto referendum, which ultimately repealed the bill itself. In Wisconsin that specific use of the referendum process is not available, which explains why Wisconsians have opted for the June recall election of Governor Scott Walker rather than a simple repeal of the disputed law as is the case in Ohio. Labor activists in Wisconsin also exercised the option of recall elections of eligible Republican legislators. These elections had only mixed success for labor activists, removing only a handful of the targeted legislators, but failing to flip the majorities in the Wisconsin State Assembly and Senate back to Democratic majorities. Again, these legislative differences only underlie the prevailing common outcome of massive protest and political efforts to repeal the disputed anti-collective bargaining laws in both Wisconsin and Ohio.

The grassroots movements on the labor side are largely comprised of union members, and the funding for their campaigns come from donations and the unions themselves. The “No on SB5” activists make no attempt to shield who is funding their campaign in Ohio. While the campaign was able to get a state record 915,456 signatures to get the repeal initiative on the
ballot, the funding for the effort was utterly one dimensional, with the unions contributing $100 for every $1 contributed by individuals (Bloom, 2011). This defines who is on the side of repealing Ohio Senate Bill 5 (2011). As was the case in Wisconsin, the anti-labor side has managed to keep its benefactors hidden through tactics such as funneling contributions to the Liz Cheney headed Americans for America’s Future, from the Mary Cheney headed Partnership for America’s Future. The latter being a 501(c)(4) organization, which does not have to disclose the identities of its donors. The former is a 527 organization, which does have to disclose the identities of its contributors (Nichols, 2011). In short, the organizations that are directly funding the grassroots movement to uphold Ohio Senate Bill 5 (2011) are not legally obligated to divulge who funds their organizations, and have chosen not to do so voluntarily. While these organizations may go to great lengths to mask the identities of their donors, it is widely publicized (if not authoritatively supported) who those donors are and what motivates their political actions. Regardless of the identities of the donors, these organizations’ primary political function is not hidden. These organizations have poured documented millions into the anti-union legislative efforts in Wisconsin and Ohio in 2011, and political donations speak volumes about motives (Nichols, 2011).

The same anti-union grassroots groups were primarily responsible for the lobbying and funding of the political activities that advocated these nearly identical anti-union bills in these two Rust Belt states, both of which elected austerity focused Tea Party backed Republican governors in 2010 (Bybee, 2011). Also, Republicans showed big gains in both states in national, congressional, and senate elections. Most importantly both states flipped to Republican majorities in one if not both of their state houses (Politico, 2010). In the 2010 election Ohio Republicans retained their majority in the state senate, as well as gained a majority in the state
house of representatives; more importantly they elected a Republican governor. In Wisconsin both the state assembly and state senate flipped to Republican majorities, along with the election of a Republican governor (Politico, 2010). These are sufficient political conditions for grassroots organizations such as the Koch and Cheney headed groups mentioned previously to attempt this type of anti-union legislation.

This partisanship amongst the two sides is a major motivation and ideological driver in this conflict. Unions donate almost exclusively to Democratic campaigns and are among their largest donors (American Institute for Economic Research (AIER), 2010). This trend in marginalizing unions will likely, over time, have the indirect effect of weakening the Democratic Party (Ahlquist, 2012, p. 2; Klein, 2011). This may already be taking place at the national level as we saw the wave of conservative austerity focused congressional candidates take a majority in the United States House of Representatives, as well as gaining several governorships and majorities in numerous state legislatures in 2010 (Politico, 2010). The current financial crisis and Tea Party movement seem to have given the anti-union side the perfect emergency with which to move the political football.
Washington State presents a bit of a divergence from the legislative efforts of Wisconsin and Ohio. While the legislative efforts in Wisconsin and Ohio directly eliminated many of the collective bargaining rights of public sector employees and their unions, Washington’s austerity focused 2011-2013 Biennium State Budget has no such provisions eliminating collective bargaining rights, however I identify the budget cutting measures of Washington to be an indirect effort to weaken public sector unions. The form that these budget cutting austerity measures/indirect effort to weaken collective bargaining has taken, I argue, is explained by the analysis of the same factors as in Wisconsin and Ohio. Those factors are socioeconomic/cultural, legislative/political, and funding structures/actors. My analysis of the situation in Washington will reveal significant divergence relative to Wisconsin and Ohio. In
other words, these causal factors are influencing the form that the state budget has taken, and subsequently influenced the indirect weakening of public sector unions in Washington State. Since there is significant difference in the causal factors in Washington, when compared to Ohio and Wisconsin, this sort of indirect weakening of public sector unions is the most likely outcome. My analysis shows this to be the case in Washington State.

**Socioeconomic and Cultural Factors**

In Ohio and Wisconsin I argue that there is significant angst toward public sector employees, and in particular toward public sector workers from private sector blue collar workers. Here I argue that the socioeconomic evidence shows no similarly palpable reaction toward public sector workers in Washington State. The crux of this split I identify as public sector employees wages as well as non-wage benefits such as pensions and health care packages that appear to be significantly more generous than what the average private sector employee receives. The evidence in Ohio and Wisconsin reinforces that conclusion, however the analysis of these same socioeconomic and cultural factors in Washington tell a very different story. First, overall union density is very high in Washington where 19% of the workforce is unionized, as compared to the more moderate levels in Wisconsin and Ohio, 13.3% and 13.4% respectively (BLS, 2012, p. 12). As I have already cited, the economy of the Pacific Northwest is fundamentally different from that of the Rust Belt region. The divergence over the past decade can be seen in the Census Bureau 2010 data (Figure 6). What is most compelling for my argument is that, not only did the gap significantly widen between Washington when compared to the other states, but all three had nearly the same starting point (Figure 6). Over the previous decade the trend for median household incomes in Washington State has been steady growth (Figure 6). As noted earlier, with the exception of 2008 and 2010, Washingtonians have seen
their median household incomes rise significantly since 2001. This trend in Washington State has held true over a period where Wisconsin and Ohio have had several years of flat incomes, and mostly declining ones since 2006 and 2007 respectively (Figure 6).

In 2012 the Seattle area had the greatest growth of jobs in the technology field, significantly more than Silicon Valley. This private sector job growth is due to companies that are regional staples like Microsoft, Boeing, and Amazon, as well companies like Google and Facebook expanding their offices in Seattle (Parkhurst, 2012). According to Parkhurst, this growth in the Puget Sound area has been constant through good as well as bad economic times. The result of this private sector economic boom and the outcomes for incomes over the past decade in the three states can be seen in Figure 6. What is more compelling still is the state level data. The annual median household income in Washington State is about $5000 more than the national annual average income of a unionized public sector employee (BLS, 2012; Bureau of the Census, 2012). When the annual incomes of Washington’s private sector workers are compared to the incomes of its public sector workers, the public sector worker’s income is only $532 more. This figure of course factors in all the people in the private sector working part-time as well as the lower paid agricultural work in eastern Washington. It can be speculated that if full-time private sector incomes were compared to public sector incomes (the vast majority of public sector jobs are full-time employment) then the picture would portray private sector dominance where income is concerned.

The evidence presented shows a socioeconomic equilibrium between public and private sector employees in Washington state that simply does not exist in Wisconsin or Ohio. The previously documented socioeconomic angst that makes bills such as Wisconsin Act 10 (2011) and Ohio Senate Bill 5 (2011) possible in states like Wisconsin and Ohio simply does not exist at
palpable levels in Washington State, and therefore precludes the possibility of a publicly supported direct elimination of public sector workers collective bargaining rights.

**Parallel Legislative Strategies and Political Factors**

Washington State laid off 12,000 public sector employees (mostly state employees) in the period between November 2011 and February 2012 according to Arun Raha, Executive Director of the ERFC and Washington State Chief Economist (Washington State Economic and Revenue Forecast Council (WSERFC), 2012, p. 8). This comes just months after many of the provisions of Governor Christine Gregoire’s 2011-2013 budget took effect. That budget uses what are referred to as austerity measures to make deep cuts in state provided healthcare programs such as Medicaid, as well as entirely eliminating Washington State’s Basic Healthcare program, a provision that has been partially overturned in court for the time being (Seattle Times Editorial Board, 2011). The Governor’s budget press packet claims that the aggregated cuts to the various Medicaid programs will save the state’s General Fund $136,735,000, and the elimination of subsidized Basic Health will save the state’s General Fund $230,200,000. It also claims $117,300,000 in savings for the General Fund Federal, which is another way of saying $117,300,000 in foregone Federal subsidies for the State (Gregoire, 2010, p. 18-19). The cuts go far beyond just healthcare concerns; they extend to schools and environmental programs as well (Gregoire, 2010, p. 18-19). What the budget does not mention is that the state employees running those programs, which are members of the public sector union Washington Federation of State Employees have lost their jobs in the thousands (WSERFC, 2012, p. 8).

This “all cuts” austerity approach in Washington State, which is being advocated by a newly energized contingent of austerity focused Republicans led by State Senator Joseph Zarelli, is different than the anti-union legislation in Wisconsin and Ohio. The collective bargaining
rights of public sector unions and their members are not being eliminated by explicit wording in legislation, as was the case in Wisconsin and Ohio. These cuts, while not explicitly directed toward collective bargaining in the way that the legislation in Ohio and Wisconsin were, still represent the weakening of the overall influence of public sector unions by way of state legislation. Washington State 2011-2013 Biennium Budget cuts spending to the aforementioned government programs and services, which is directly responsible for the documented 12,000 public sector layoffs during the quarter covering late 2011 through early 2012 (WSERFC, 2012 p. 8). While the primary purpose of Washington’s budget cuts may not be to eliminate public sector collective bargaining, it does weaken these unions obliquely by thinning their numbers.

The Joint Legislative Audit and Review Committee has flagged new revenue options such as closing antiquated tax loopholes for corporate interests, or instituting copays for clients of the eliminated public services such as Basic Healthcare (Seattle Times Editorial Board, 2011). So while weakening or eliminating public sector unions’ collective bargaining rights may not be the primary focus of these austerity cuts, they present a certain level of indifference to the negative effects this budget has on public sector employees and their unions. While all these non-cut options remain viable, the governor recently asked the Washington Federation of State Employees to voluntarily reopen contract negotiations pertaining to state employees’ portion of medical benefit premiums. This happened after the public sector unions ratified labor contracts earlier this year that raised their portion of health insurance premiums from 12% to 15%, and lowered most state worker’s pay by 3% (Shannon, 2011). This request by no means resembles the legislative cuts to public sector collective bargaining rights that passed into law in Wisconsin and Ohio, however asking public sector unions for voluntary contract concessions less than one year after making previous voluntary contract concessions, as well as suffering 12,000 layoffs.
over the course of one quarter, is certainly a victory for Republican legislators, conservative initiative writers, and corporate sponsors of such initiatives.

What is equally important and ever-present in this study is the political situation in the state being studied. As has been the case in all the previous analyses, the political situation diverges from that of Wisconsin and Ohio. Prior to the 2010 elections Democrats had majority control of the Washington State House of Representatives, and the Washington State Senate, as well as the governorship. In 2010 Democrats retained majority control of both state legislatures, albeit by narrowed margins. Additionally Washington does not have gubernatorial elections until 2012; therefore Democrat Christine Gregoire remains the Governor until that time. It would, however, be incorrect to argue that nothing changed politically in Washington State after the 2010 elections. Tim Eyman’s I-1053, which requires a two-thirds majority to raise any new revenue through taxes passed with a 63.77% majority, while I-1098 which would have introduced a graduated income tax was defeated by nearly the same margin 64.66% (Fact Check Washington, 2012). Prior to the 2010 elections, Democrats in the Washington State House of Representatives had a twenty-six seat majority. After the 2010 elections that majority shrunk to fourteen (AUSPE, 2012). Similarly in the Washington State Senate the pre-2010 election Democratic majority shrunk from thirteen to five (AUSPE, 2012). These narrowed margins effectively give I-1053 teeth, and allows the Republican minority in both state legislatures to defeat any budget proposal that does not suit their political objectives.

**Funding, Participants, and Organization**

While 2010 brought in the wave of Tea Party and other austerity focused conservative legislators and governors around the nation, flipping the majorities in the Washington State
State Austerity Measures 35

legislatures was never a realistic possibility. There is no significant Tea Party presence in Washington State, and my previous arguments pertaining to the socioeconomic/cultural situation, and legislative strategies/political situation make Republican majorities in the Washington State legislatures unlikely at least in the foreseeable future (Figures 5 & 6). The Governorship as well as the both chambers of the state legislature has had Democratic majorities since 2006 (Holland, 2011, p. 9; Washington State Legislature, 2012). While the margin with which the Democratic Party controls both houses has been narrowed since 2010, the state’s Democratic majorities are nonetheless intact. While this dictates from the outset the likelihood that the outcomes of austerity measures will look differently in Washington when compared to that of Wisconsin and Ohio, it also dictates that the funding structures and political actors will look differently as well.

Democratic majorities in the state legislatures and a Democratic governor make explicit anti-union legislation in Washington highly unlikely. While there is no explicit attack on the collective bargaining rights of Washington public sector unions and employees, the layoffs in the public sector can be traced directly back to the state budget and the inability to raise new revenue. This, therefore, makes avoiding the austerity measures present in the budget unrealistic. The necessity for those austerity measures can be directly traced back to the state’s initiative process. Tim Eyman a well-known conservative activist, liberally credited as the most prolific initiative promoter in the state, has a long history of authoring initiatives that require a supermajority in the state legislature in order to raise any new revenue (Holland, 2011, p. 6). These include the now defunct Initiative 960, as well as the current Initiative 1053 which passed during the November 2010 state elections. Since these Eyman initiatives require a supermajority of two-thirds in the state legislatures to raise new taxes it is practically impossible for a socially focused Democratic majority to pass a budget that includes new revenues. This is because even
in a left leaning state like Washington austerity focused Republicans will always be able to maintain control of at least one-third of the state’s legislative seats. As is the case in the United States Senate, the minority faction in both legislative chambers of Washington State are able to defeat budget proposals from the elected majority, and therefore wield power out of proportion with their electoral mandate. When the veneer is peeled back on the Eyman initiative machine, we find the same type of moneyed anti-union actors funding the political process in Washington State as are funding the lobbying and grassroots anti-union efforts in Wisconsin and Ohio.

While the overall motive of weakening public sector unions, I argue, is the same in Wisconsin, Ohio, and Washington, the tactics employed at the grassroots level in Washington State differ from the Rust Belt states discussed. This I argued previously is partially to do with the very different socioeconomic/cultural, legislative/political, and funding structures/actors of Washington State as compared to Wisconsin and Ohio. There is nonetheless one area where the tactics are identical; that is the need for outside money from conservative and corporate interests with deep pockets, who coincidentally have some financial interest in weakening public sector unions.

Tim Eyman’s initiative machine runs on donations, and those large contributors come almost exclusively from the ranks of high finance corporate America. According to Washington State’s Public Disclosure Commission (WSPDC) Tesoro, ConocoPhillips, and British Petroleum to date have contributed a combined $250,000 to Eyman initiatives, Michael Dunmire founder of Benchmark Plus (a Tacoma based hedge fund) has contributed $3,117,194 alone (Permanent Defense, 2011). As in Ohio and Wisconsin the contributors pushing anti-union initiatives, and budget proposals in state governments come almost exclusively from the ranks of high finance/corporate interests (namely big oil), and a new breed of austerity focused Republican
state legislators and governors. The level to which these player’s interests are intertwined can be seen in the self-reported $40,000,000 that Koch Industries and their grassroots organization Americans for Prosperity spent on campaigns for Republican politicians in 2010 (Bybee, 2011). While nobody has spent $40,000,000 on Eyman initiatives in Washington State, this corporate money does flow in, supermajority initiatives pass, and Republican minorities force the passing of budgets such as the Washington 2011-2013 Biennium Budget. While it may take a few more steps to get there, these corporate funded initiatives can create circumstances where laying-off public sector employees is the only realistic option. Marginalizing public sector unions in Washington may not be a primary objective to the proponents of the current state budget or the authors of initiatives such as I-1053, however, even if it is just inadvertently convenient for these politicians and corporate sponsors, in the end they are still weakening public sector unions through their legislative activities at the state level.

According to Washington State’s Public Disclosure Commission the top contributor to the No on I-1053 is the Washington Federation of State Employees at $600,000. Top contributors two through five are all SEIU locals representing healthcare workers. Number six is the state teachers’ union. The Federation of State Employees, the SEIU locals, and the teacher’s union represent 77% of the $1,622,857 total contributions (WSPDC, 2012). In this context the SEIU locals can be logically aggregated with the contributions of the public sector unions since the great majority of home healthcare workers in Washington State are unionized under either SEIU locals or OPEIU #8. These home healthcare workers who have lost employment as a direct result of state budget cutting draw their incomes from the Medicare and Medicaid stipends of their clients, and can therefore be considered quasi-public sector workers (Ahlquist, 2012, p. 8; McKay, 2010). It is no coincidence that all the big donors opposing I-1053 are labor unions
(in particular the public sector unions), while all the largest donors to I-1053 are large corporate entities. These initiatives are partisan pieces of legislation with at least a secondary (if not a primary) interest in marginalizing public sector unions, which simultaneously weakens the largest stream of contributions to the Democratic Party in states long considered union strongholds (AIER, 2010). The differing circumstances in Washington, when compared with Wisconsin and Ohio have produced differing outcomes in terms of their individual experiments with austerity measures. However, what each shares are socioeconomic and cultural factors, state level legislative strategies and partisan political actors, as well as these funding strategies, each of who’s actions have hurt the vitality of public sector unions in their own distinct ways.

**Union Marginalization Equals a Crippled Democratic Party**

The motivation of the business and political interests that have historically lobbied for anti-union legislation has been to preferably eliminate, or at least marginalize unions, and while this motive may have transitioned to focus on public sector unions, it remains unchanged (Ahlquist, 2012, p. 2). However, corporate interests can not pass these laws alone. The political aspect is ever-present. Unions remain the largest non-corporate contributors to political campaigns with the lion’s share going to Democratic candidates as well as socially liberal legislation and causes. In the 2012 election cycle the AFL-CIO is the highest non-corporate contributor to political campaigns ranking 9th and making contributions thus far of $2,612,973, (62% of which went to Democratic candidates and causes). Service Employees International Union is the next largest non-corporate contributor ranking just behind the AFL-CIO at 10th. So far in 2012 SEIU contributions have totaled $2,353,162, with 100% going to Democrats. Other big union contributors worth noting are the American Federation of State County and Municipal Employees ranking 14th with contributions of $1,987,680 with 100% going to Democrats, and
the International Brotherhood of the Teamsters ranking 18th with contributions of $1,817,610 97% going to Democrats (Center for Responsive Politics (CRP), 2012).

More than any other factor, this demonstrates the partisan motivations of both pro- and anti-labor advocates. Contributions to the Republican Party come almost exclusively from the corporate world, and in particular from the corporations least friendly to labor (CRP, 2012). For conservative anti-union Republicans, eliminating or marginalizing unions looks like little more than a shrewd political strategy to decimate the revenue base of the Democratic Party (Ahlquist, 2012, p. 2). Furthermore, it is well documented that in addition to the generous contributions of unions to the Democratic Party, union membership matters in political campaigns at the grassroots level as well. Union members are some of the most activist when it comes to political grassroots organizing which has already been noted in the cases of the Scott Walker’s impending June recall election in Wisconsin and the initiative effort to repeal Ohio Senate Bill 5 (2011). Finally, union membership makes a measurable difference at the polls (Figure 7). It is estimated that union membership may have helped President Obama in the 2008 election by as much as 2% of the overall popular vote, and Democrats in national congressional elections that year by a similar margin (Silver, 2011). While Figure 7 shows that union membership was not the largest contributing demographic to the Democratic victories in 2008, it does show that it was an important one, so much so that being a member of a union or having a union member in the household is actually a stronger determinant of Democratic support than is living in the Northeast or being a college graduate.
Conclusion

The socioeconomic/cultural factors, legislative strategies/political situations, and the funding structures/actors at work in Wisconsin, Washington, and Ohio are all key contributing factors to an environment in which state level legislative attacks on public sector unions’ collective bargaining rights can thrive. Public sector unions are now larger in real numbers (7.5 million in the public sector versus 7.2 million in the private sector) as well as per capita ones (Ahlquist, 2012 p. 4). When these per capita percentages are also considered (private sector union members comprise only 6.9% of the overall workforce while 36.2% of public sector employees are union members) (BLS, 2010), it becomes almost intuitive that these public sector unions are the only remaining target for anti-union proponents. John Ahlquist put it best when
he stated, “In the ‘house of labor’ public sector unions now sit at the head of the somewhat impoverished table” (Ahlquist, 2012, p. 4). While the legislative developments at work in Wisconsin and Ohio differ from those in Washington State, all weaken public sector unions in their own distinct way. I argue that the motives of anti-union advocates are straightforward, and I believe that what I present here conclusively demonstrates that. However, regardless of the motives behind these legislative actions, one thing can be clearly stated, and that is that public sector employees and their unions are being weakened by the austerity measures adopted by these three states.
Appendix 1: Public Sector Incomes by State Compared to Wage Gap

With Private Sector Workers

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Compensation</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>District of Columbia</td>
<td>$82,607</td>
<td>+$457</td>
</tr>
<tr>
<td>2</td>
<td>Connecticut</td>
<td>$77,697</td>
<td>+$7,687</td>
</tr>
<tr>
<td>3</td>
<td>New Jersey</td>
<td>$72,007</td>
<td>+$6,681</td>
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<tr>
<td>4</td>
<td>California</td>
<td>$71,385</td>
<td>+$7,977</td>
</tr>
<tr>
<td>5</td>
<td>New York</td>
<td>$71,282</td>
<td>+$1,699</td>
</tr>
<tr>
<td>6</td>
<td>Rhode Island</td>
<td>$69,284</td>
<td>+$17,603</td>
</tr>
<tr>
<td>7</td>
<td>Nevada</td>
<td>$68,785</td>
<td>+$17,815</td>
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<td>Maryland</td>
<td>$65,947</td>
<td>+$6,931</td>
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<tr>
<td>9</td>
<td>Massachusetts</td>
<td>$62,562</td>
<td>—$4,688</td>
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<td>Alaska</td>
<td>$60,882</td>
<td>+$2,764</td>
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<td>11</td>
<td>Illinois</td>
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<td>Delaware</td>
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<td>Hawaii</td>
<td>$59,595</td>
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<td>Washington</td>
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<td>$50,774</td>
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<td>34</td>
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<td>35</td>
<td>Utah</td>
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<tr>
<td>36</td>
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<td>Georgia</td>
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<td>Kansas</td>
<td>$44,803</td>
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<tr>
<td>51</td>
<td>South Dakota</td>
<td>$41,684</td>
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<td><strong>Total United States</strong></td>
<td><strong>$57,775</strong></td>
<td></td>
<td><strong>$2,511</strong></td>
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Source: Bureau of Economic Analysis; USA TODAY analysis
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