

Sticking to the Union: The War on Organized Faculty and How We Can Resist

by Edward Volchok

Right-to-work (RTW) is the doublespeak George Orwell warned of in his comment that some political language “is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.”¹ On the surface, the phrase suggests an admirable, even compassionate effort—what American would be against the rights of his or her fellow human beings to work? However, in Orwellian fashion—“War is peace. Freedom is slavery. Ignorance is strength.”—the term “right-to-work” obfuscates the intent. RTW laws neither provide opportunity for gainful employment nor a higher standard of living. In truth, by ending a union’s ability to charge administrative fees to employees who benefit from their collectively bargained contract, these laws aim to weaken unions and silence workers.² They are designed to help employers, not workers.

On June 27, 2018, with its long anticipated 5 to 4 decision in *Janus v. AFSCME*, the Supreme Court has made RTW the law of the land. In this article, I review the decades of well-funded, anti-union RTW activism that led to this decision. My focus will be on public-sector unions, in general, and faculty and staff unions in particular. I show that RTW is part of a movement to weaken unions, abolish collective bargaining in the

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public sector, privatize higher education, eliminate faculty tenure, and curtail academic freedom. To close, I will discuss how faculty union leaders and rank-and-file members can—and *must*—resist for the sake of our students, our universities, our communities, and ourselves.

THE ZOMBIE THAT WILL NOT DIE

For two decades, the number of RTW states stood at 21. But recent years have brought renewed vigor to anti-union efforts... But who really wins when RTW becomes law?

State legislatures have been able to pass RTW laws since Congress enacted the Taft-Hartley Act in 1947. This act amended the landmark National Labor Relations Act, which permitted collective bargaining between an employer and a labor organization, and enabled unions to require all workers covered by their collectively bargained contract to pay the costs of representation.³ These are called union security agreements, and the fees are known as fair-share or agency fees. With Taft-Hartley, federal lawmakers created an option

for anti-union states: They could prohibit union security agreements. By 1948, 12 states had done so: Arizona, Arkansas, Florida, Georgia, Iowa, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, Texas, and Virginia. In the 1950s, Nevada, Alabama, Mississippi, South Carolina, Utah, and Kansas followed, and then Wyoming in 1963, Louisiana in 1976, and Idaho in 1985.⁴

For two decades, the number of RTW states stood at 21. But recent years have brought renewed vigor to anti-union efforts. Between 1999 and 2017, the National Right to Work Committee alone spent nearly \$43 million to lobby Congress.⁵ It also has spent money to lobby state legislators on behalf of state RTW laws and claims, on its website, to “have often had a tremendous impact,” including “helping Oklahoma to become the 22nd RTW state” in 2001, and “lead[ing] Indiana to become the 23rd” in 2012.⁶

But who really wins when RTW becomes law? The National Right to Work Committee proclaims, “Right to Work states enjoy a higher

standard of living than do non-Right to Work states. Families in Right to Work states, on average, have greater after-tax income and purchasing power than do those families living in non-Right to Work states....”⁷ Meanwhile, evidence supporting this argument is unspecific at best and untrue at worst.⁸ According to a study by the non-partisan, non-profit Economic Policy Institute that controlled for 42 variables, RTW laws are associated with lower wages and also with jobs less likely to provide health insurance and pensions.⁹ Another Economic Policy Institute study shows that wages in RTW states are 3.1 percent lower than in non-RTW states. This translates to a \$1,558 annual penalty for workers in RTW states.¹⁰

The U. S. Bureau of Labor Statistics 2017 data on union membership buttress the contention that non-union workers earn less than union members. The median weekly earnings for non-union workers was 80 percent that of union members (\$829 compared to \$1,024). For education, training, and library occupations, non-union workers’ median weekly earnings were only 78 percent that of union members (\$900 compared to \$1,157). These differences reflect the advantage of collective bargaining agreements as well as variations in the distribution of union and non-union workers by industry, occupation, and region. These data are based on monthly surveys conducted by the U. S. Census Bureau from a scientifically selected sample of 60,000 eligible households.¹¹

Among full-time faculty specifically, those working at public two-year and four-year institutions in non-RTW states have significantly higher salaries than those in RTW states, according to the 2018 “Special Salary Issue” of the *NEA Higher Education Advocate*. Full-time faculty at four-year public institutions in non-RTW states earn \$8,029 more per 9- to 10-month contract than their colleagues in RTW states. The difference is even greater among public two-year institutions. Faculty in non-RTW states earn \$9,538 more per 9- to 10-month contract. Not only are these differences statistically significant, these salary discrepancies make a

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huge practical difference in the lives of faculty.¹² I am sure that my colleagues teaching at public two-year and four-year institutions in RTW states would find an additional \$8,000 or \$9,500 per academic year to be a major improvement in their standard of living.¹³

Not surprisingly, RTW laws have broad effects with respect to other measures. Journalist Janice Gavin, citing U.S. Census data, reports that RTW states have higher poverty rates than non-RTW states: 15.3 percent

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versus 12.8 percent.¹⁴ Additionally, in terms of GDP per capita, poverty rates, percentage of residents with health insurance, and life expectancy, RTW states perform significantly worse than “worker friendly” states, Professor Darrell Minor found.¹⁵ Meanwhile, Tamara Kay, a sociologist at University of Notre Dame, writes that pro-RTW studies are poorly controlled and fail to account for confounding variables. She writes that the evidence that

RTW laws attract business into the state is merely anecdotal.¹⁶

Nevertheless, in recent years the RTW movement has gained momentum across the U.S., ushered into law by Republican governors and legislatures. Along with Indiana, Michigan enacted RTW in 2012 and Wisconsin in 2015. The impact is clear. In Wisconsin, which also passed an anti-collective bargaining law, the number of union members in the states dropped 40 percent in 2016.¹⁷ Union membership also declined in Michigan—and average wages have suffered, according to a 2017 Illinois Economic Policy Institute study.¹⁸ Yet in 2016 and 2017, these states were joined by Kentucky, West Virginia, and Missouri, where Republicans control all branches of state government, bringing the number of RTW states at the time of the *Janus* decision to 28. (In Missouri, union members forced suspension of the state’s RTW law until a state voter referendum could be held this November.¹⁹ This action is a noteworthy example of collective resistance, but the Court’s decision in *Janus* supersedes it.)

In 2017, New Hampshire almost brought the total to 29. Its state legislature rejected a RTW bill on a 200 to 177 vote with 32 Republicans joining Democrats.²⁰ Ohio and Colorado also recently entertained legislation. Other states have gone even further in their anti-union efforts. Wisconsin, Virginia, North Carolina, South Carolina, Georgia, and Texas have forbidden collective bargaining for public sector employees.²¹ It appears that South Dakota would like to do the same: In 2017, the South Dakota House of Representatives passed legislation ending collective bargaining for the state's four technical colleges and there was an effort to end it for the state's six public universities, too. The bill passed the House but died in the Senate thanks to a coalition of Democrats and college-town Republicans.²² Meanwhile, this year in Florida, Gov. Rick Scott (R) signed a law that requires unions to sign 50 percent of eligible teachers as dues-paying union members, or risk being decertified.²³

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A study published in January 2018 by the National Bureau of Economic Research shows the political benefits Republicans have reaped from RTW laws. Voter turnout drops 2 to 3 percent after these laws pass. The share of Democratic Presidential votes falls by 3.5 percent, as does the share of Democratic votes for the U.S. Senate, U.S. House, and Gubernatorial races. State legislative control is similarly affected. Fewer working class candidates win public office and public policy becomes more conservative.²⁴

THREE SUPREME COURT CASES: *ABOOD*, *FRIEDRICHS*, AND *JANUS*

In 2015, when the Supreme Court agreed to hear *Friedrichs v. California Teachers Association*, it was assumed the Court's conservative majority would overturn its 1977 decision in *Abood v. Detroit Board of*

Education, which held that public-sector employees could be required to pay agency fees for collective bargaining and contract administration, but not to fund a union's political or ideological activities. The sudden death of conservative Justice Antonin Scalia upturned those assumptions, leaving the Court split 4 to 4 on *Friedrichs* and, thus, *Abood* unchanged.²⁵ But in 2018, one of President Donald Trump's first executive actions was to appoint Neil M. Gorsuch to the Court and ensure its 5 to 4 conservative

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majority. Again, it was assumed—this time rightly—that the Court would take the opportunity presented in *Janus v. AFSCME* to overturn *Abood*, rule agency fees unconstitutional, and make RTW the law of the land. For public sector unions, with 34.4 percent of all workers union members, *Janus* was the most important case on the Court's 2018 docket.²⁶ With the Court's recent ruling, individual

workers are now free not to join the union or pay any union fees.

The *Janus* case originated in partisan politics. In 2015, Illinois Governor Bruce Rauner, a Republican, ordered the state to stop collecting agency fees from non-union state workers. He also filed a lawsuit asking a federal circuit court to affirm his order. Illinois Attorney General and Democrat, Lisa Madigan, countersued along with several unions, arguing that Rauner lacked standing because he does not pay union fees. With the governor's case on shaky ground, the Right to Work Legal Defense Foundation and the Liberty Justice Center found three state workers with standing, including Mark Janus. Writing in support of the plaintiff in the *Friedrichs* case, Janus declared, "The union voice is not my voice. The union's fight is not my fight."²⁷ In March 2016, the Seventh Circuit Court of Appeals ruled against Mr. Janus. The plaintiffs appealed to the Supreme Court, which accepted their writ of *certiorari*.²⁸

The plaintiffs rooted their argument in the First Amendment: Public employee unions are inherently political because they negotiate with state and local governments. Forcing non-union employees to pay fees to a

union is compelled speech, they contend, which the U.S. Constitution prohibits.²⁹

Writing for the majority, Justice Samuel A. Alito Jr. argues that *Abood* was “poorly reasoned” and violates the First Amendment rights of non-members.³⁰ In effect the Court agrees with the petitioner’s argument that “nonmember fee deductions [agency fees] are coerced political speech.”³¹ In addition, Justice Alito dismisses the issue of “free-riders” as not a compelling interest. Citing *Knox*, 567 U.S., at 311, he writes, “free-rider arguments...are generally insufficient to overcome First Amendment objections.”³²

Justice Elena Kagan, joined by Justices Ruth Bader Ginsburg, Stephen Breyer, and Sonia Sotomayor, wrote a scathing dissent that accused the majority of judicial activism and weaponizing the First Amendment. “Rarely if ever has the Court overruled a

decision—let alone one of this import—with so little regard for the usual principles of *stare decisis*,” declares Kagan. (*Stare decisis* is the legal principle of deferring to earlier court rulings).³³ The *Janus* decision over-reaches, she writes, because it overturns a decision entrenched in the nation’s laws, and turns the First Amendment into “...a sword, and using it against workaday economic and regulatory policy.”³⁴ Justice Kagan concludes her dissent by arguing, “... at every stop black-robed rulers overriding citizens’ choices. The First Amendment was meant for better things. It was meant not to undermine but to protect democratic governance—including over the role of public-section union.”³⁵

With that, the Court has opened the door to a cascade of possible effects that could sap a union’s strength at the collective bargaining table—and in legislatures, where membership means power. Dues-paying union members might question why they pay for the same benefits non-members get for free.³⁶ Unions, after all, are obliged to represent all workers.³⁷ In response, some union members may decide to quit the union too. Recently,

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Education Week reported that the National Education Association (NEA) anticipates that as many as 10 percent of its members may choose to stop paying, prompting NEA's Representative Assembly in July to approve \$50 million in budget cuts.³⁸ This is likely a pragmatic decision.

At the state level, RTW has been shown to depress union membership numbers. From 2015 to 2016, even as union membership increased in non-RTW states, it fell in RTW states, according to a 2017 report

from the Illinois Economic Policy Institute. Of the then-26 RTW states, 20 saw their union membership shrink.³⁹ At the national level, a decline in union membership may be likely—but it is not inevitable.

Anti-union legislation passed in Wisconsin, including the state's anti-collective bargaining Act 10 and RTW law, resulted in halving membership in the state's American Federation of Teachers.⁴⁰ Obviously, this does not bode well for unions.

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According to Dr. Barbara Bowen, president of the Professional Staff Congress, which represents more than 27,000 faculty and staff at the City University of New York, “such a precipitous decline in membership is devastating.”⁴¹ If you lose 50 percent,” she continued, “you lose 50 percent of your moral force when you go to the state capital and ask for funding. The first thing they are going to say is, ‘Well, 50 percent of the people who work there don't even want to be in your union.’” Then, of course, there is a disruptive financial impact. “A 50 percent drop means 50 percent less income,” Bowen observes. “You are 50 percent less able to hire a lawyer to defend members, print signs for a demonstration, or hire a bus to go to the state capital.”⁴²

THE CHANGING AMERICAN WORKPLACE

The American workplace is changing radically. As well-paid jobs that sustained the middle class become scarce, as we transform into a nation of contractors and contingent employees, it is essential to protect the

rights of unions to exist. How will the nation's growing workforce of freelancers—53 million in 2015 and projected to reach 60 million by the end of this decade—pay for healthcare and decent housing, survive during gaps in employment, and save for retirement?⁴³ Student debt has also become an important concern. The *Chicago Sun-Times*, citing the Federal Reserve Bank of New York, reports that over 44 million Americans carry more than \$1.4 trillion in student debt in contrast to only \$640 billion in 2008.⁴⁴ *U.S. News & World Reports*

notes that a student who earns a bachelor's degree takes as long as 21 years to pay off his or her debt.⁴⁵ CNBC, citing data from the Federal Reserve Board of Governors, reports, "6.8 million student loan borrowers between the ages of 40 and 49 and that together, these graduates hold a collective \$229.6 billion in debt. That means that Americans in their 40s with student loan debt

each have an average balance of \$33,765."⁴⁶ Due to the heavy obligation of student loads, NerdWallet projected that someone who graduated college in 2015, will not be able to retire until the age of 75.⁴⁷ Yes, an education lasts a lifetime, but apparently so does the financial impact of servicing student loans.

Without an organized response to these disturbing workplace trends, all workers may see the advances won by the American labor movement wither away: Fair working conditions with decent pay, a reasonable pension for a dignified old age, and health insurance.

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A FACULTY UNION INTEGRATED WITH ITS SURROUNDING COMMUNITY

CUNY has always been the vehicle for New York City's poor, minorities, and women to get the education needed for careers that provide upward mobility for themselves and their families. As such, Bowen says, the university is an integral part of the "imagination of New York City."

At the heart of this democratic mission is the union, PSC-CUNY, which has been a strong voice in supporting students and demanding that CUNY provide quality education to the city's diverse communities.⁴⁸ "[As a result of the union's continual] insistence on more investment in CUNY, we have helped invest in the people of New York," Bowen reports.⁴⁹

As of 2015, there were approximately 278,000-degree credit students at CUNY. The majority of undergraduates—57 percent—were female.

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The average age of an undergraduate student is 24, although about a quarter are 25 or older. Approximately three-quarters of undergraduates are people of ethnic or racial minority groups: 23.2 percent are Asian, 24.8 percent are Black, 25.6 percent are Hispanic, and 0.3 percent are American Indian/Alaskan Native. Just over 35 percent were born outside the United States. They speak 168 languages with 40.9 percent having a native language other than English.

CUNY undergraduates tend to be poor; 23.3 percent have household incomes under \$20,000; 30.3 percent work for pay more than 20 hours a week; 53.3 percent are Pell Grant recipients; and 38.1 percent are the first in their family to go to college.⁵⁰

The experience of one student affects his or her entire family. "Being in college is not just for our students," Bowen says, "it is for their whole family... the family that hopes to get out of poverty... [Being in college] is a family enterprise."⁵¹ By helping students climb the economic ladder, CUNY has contributed to the economic vitality of New York City.

The university's union has been a major force behind students' ability to achieve their academic and personal goals. It was PSC-CUNY, along with the State University of New York's United University Professors union, that vigorously campaigned for the 2017 Enhance Maintenance of Effort bill that provided funds to cover inflationary increases to the operating costs of New York's public universities.⁵² From 2008 to 2016, the

non-partisan Center on Budget and Policy Priorities writes that New York's spending per student at public colleges, adjusted for inflation, was down 6.4 percent.⁵³ Bowen argues, "one of the real hallmarks of our contracts has been that we have found ways to create non-austerity conditions [during this period]."⁵⁴ The union, of course, has always been a force pushing for greater financial support for student services.⁵⁵ Doing so, Bowen contends, "profoundly affects the lives of students."⁵⁶

The union's effort for more funding naturally helps students, but it also is important for nurturing local economies. A study from the Milken Institute, in which researchers found a "strong relationship between education and a region's economic performance," underscores this point. "The better educated the worker," the authors argue, "the greater the benefit of additional schooling to both the worker and the region.

Add one year of college to a region's workforce, for instance, and the GDP per capita jumps 17.4 percent."⁵⁷

Asked what CUNY would be like without a faculty union, Bowen responds, "Pretty soon our faculty would be composed of 85 to 95 percent adjuncts because of the pressure to save money. We would have a system with a few highly paid academic stars... and an unlimited number of courses taught by non-tenured [track] people."⁵⁸ Adjunct and non-tenured instructors lack job security. Without job security, academic freedom quickly evaporates, as contingent instructors have less protection to voice unpopular ideas. In addition, adjuncts are so poorly paid that many must take second and third jobs to make ends meet.⁵⁹ Consequently, they often lack the time to mentor students. Many researchers, including the Delphi Institute's Adrianna Kezar whose work appeared in this journal in 2014, have pointed to the harmful effects of these working conditions on all students in general and in particular students of color, poor students, and students who are the first in their families to go to college.⁶⁰

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Eviscerating faculty unions is a way to destroy academic freedom that is being implemented across the nation. RTW laws that weaken faculty unions are merely the first step. The second step: dilute tenure. And, with that, dilute the traditional protections that maintain integrity in research. This happened in Wisconsin, where the University of Wisconsin spent \$9 million to keep infuriated faculty from walking away last year.⁶¹ In Missouri, proposed legislation would eliminate tenure for newly hired

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faculty at public institutions starting in 2018. In Iowa, the proposed measure would remove tenure for faculty who have already earned it. Of these bills, Hans-Joerg Tiede, a senior program officer at the American Association of University Professors, said, “These are serious attempts to undermine universities and the role of universities in society.”⁶² Fortunately, neither bill is likely to become law. In Missouri, no hearings on this bill are scheduled. Meanwhile, the effort in Iowa

failed due to the vigorous opposition of the Board of Regents and university administrators, who feared that this legislation would hamper the ability of the state to attract and retain quality faculty.⁶³

WHAT ELSE DO FACULTY UNIONS DO?

Faculty unions negotiate for professional development and paid sabbaticals, multi-year job-security contracts for adjunct instructors, and reduced teaching loads that allow full-time faculty to spend more time working with individual students.⁶⁴ These initiatives enhance the academic lives of students. Unions also can blunt the effects of privatization in higher education, which is essentially a movement away from public financing to private financing for public universities.⁶⁵ Unions push administrators to convert contingent faculty positions to tenure-track positions. They protest attempts to outsource staff positions, and they insist that faculty, not outside contractors, control the curriculum.

HOW DO WE RESIST?

How can union leaders and rank-and-file members seize the initiative? Bowen says emphatically, “The first critical act of resistance a union member can take in the face of the... *Janus* decision is to sign the pledge to remain a member of the union.”⁶⁶ And, the second act of resistance? Not surprisingly, Bowen urges union members to talk to wavering colleagues about what is at stake and convince them to stay in the union.

This might sound like Marketing 101, but every organization, whether it sells corn flakes, life insurance, or labor representation, must periodically reexamine its value proposition, strategies, and tactics. *Janus* is a monumental event. Rebranding our unions will be necessary. We will have to figure out new ways to convince current and potential members to join our ranks—even when they are not required to do so. As

Joshua Pechthalt, president of the California Federation of Teachers, says, “Frankly, we’re going to have to do the kind of organizing that we should have been doing all these many years. I think the labor movement got a little bit complacent.”⁶⁷ Whether we call it “rebranding” or “organizing,” complacency must end.

With agency fees banned, unions now must grapple with the thorny issue of freeloading non-payers. We should take Mr. Janus’ words to heart. If the union’s fight is not his fight, then turnabout is fair play. Non-members should not get for free the same benefits dues-paying union members receive. Unions should push for state or federal legislation that would allow non-members with grievances covered under collective bargaining agreements to either pay for union representation or hire their own attorneys.

Members of the rank-and-file must resist as well. As Randi Weingarten recently noted, “The days of passive resignation are over.”⁶⁸ We have seen active resistance this winter and spring with a wave of wild-

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cat strikes in West Virginia, Oklahoma, Kentucky, Arizona, and Colorado. We have even seen the rank-and-file overrule union leadership.⁶⁹ While these strikes did not achieve all the organizers' objectives, they showed the power of well-organized collective action. We need to do more. In addition to these labor actions and participating in mass demonstrations and civil disobedience, we should take the advice from Amanda Litman's book, *Don't Just March, Run for Something*.⁷⁰ The lesson from the 2017

The lesson from the 2017 elections is that well-organized and committed newcomers can take seats from entrenched conservatives. Give serious consideration to running for office.

elections is that well-organized and committed newcomers can take seats from entrenched conservatives. Teachers and union members should give serious consideration to running for public office. Many have already heard the call. As Moriah Balingit reports in the *Washington Post*, "From Maine to Hawaii, about 170 teachers, former teachers, and other school workers...are running for seats in state legislatures, according to tallies by teacher unions and the Badass

Teachers Association...."⁷¹

Union members must increase voter turnout and fight against gerrymandering, the manipulation of electoral districts for partisan advantage. As practiced by Republicans, gerrymandering helps conservative, anti-union politicians stay in power. In the aftermath of President Obama's historic election in 2008, conservative strategist Karl Rove, among others, helped the Republican Party implement the REdistricting MAjority Project (REDMAP).⁷² Ten years later, Rove's plan is still working. It is why, in 2014, Republican candidates won 57 percent of U.S. House seats while receiving only 52 percent of votes.⁷³ In 2017, the impact of state gerrymandering was seen in the race for the 100-seat House of Delegates in Virginia. Democrats received nearly 53.5 percent of the 2.4 million votes cast, over 210,000 more votes than Republicans. But Democrats will not control 53 or 54 seats. At the end of the year, with one tied race being decided by lot, Republicans retained control of the House of Delegates

with a 51-to-49 majority.⁷⁴ A grassroots group in Michigan, called Voters Not Politicians, shows one way to fight. It submitted 425,000 signatures to place a constitutional amendment on Michigan's November ballot, which would change how the state's legislative districts are drawn.⁷⁵ This is an important act of resistance.

Union members also must address voter identification laws. These laws have been shown to diminish the voting rights of minorities, while doing little to deter voting among those who typically vote Republican.⁷⁶ Meanwhile, election officials are purging legitimate but infrequent voters from voting rolls. This effort has been especially aggressive in Ohio, a key state in the 2018 race to control the Senate. According to *Reuters*, "...voters have been struck from the rolls in Democratic-leaning neighborhoods at roughly twice the rate as in Republican neighborhoods...and neighborhoods that have a high proportion of poor, African-American residents are hit hardest."⁷⁷ The proliferation of voter identification laws underscores the need for robust get-out-the-vote campaigns for all elections and a push to abolish these unnecessary, expensive, and intrusive voter identification laws.⁷⁸ On June 11, 2018, in another 5 to 4 decision, the Supreme Court ruled in *Husted, Ohio Secretary of State v. A. Philip Randolph Institute et al.* that the process Ohio uses to remove voters on change of residence grounds does not violate the Failure-to-Vote Clause or any other part of the National Voting Rights Act.⁷⁹


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Attacks on unions and ongoing efforts to reduce the political power of the poor, people of color, and Democrats must be resisted.⁸⁰ We must work to repeal President Trump's Tax Cut and Jobs Act of 2017.⁸¹ This law will hurt our students as it exacerbates wealth inequality and sets limits on state and local tax deductions—a tactic that will likely result in decreased state funding for public higher education.⁸² Yet, even as the stakes have never been higher, students are, for the most part, passive.

Faculty union members need to awaken students by doing what we do best: teaching, including teach-ins aimed at helping them understand how anti-democratic public policies undermine their future. Teach-ins effectively mobilized resistance to the Vietnam War 50 years ago and today. Black Lives Matter is conducting teach-ins across the country and in Western Europe.⁸³ Teach-ins on the immigration experience and DACA also have become widespread.⁸⁴ There is no shortage of relevant topics for teach-ins. For starters, consider these: 1) surviving the 21st century workplace, 2) the crisis in student debt, 3) how privatization of public universities affects students, 4) the right to vote: from Bloody Sunday to Donald Trump, and 5) gerrymandering and the undermining of American democracy.

CONCLUSION

In the face of this well-funded, anti-union onslaught, the growing anti-intellectualism and anti-university mood of Republicans, and the specter of authoritarian populism that has culminated in the miasma of Trumpism, it is easy to feel discouraged and afraid.⁸⁵ Left unchecked, these forces will harm our students, colleges, communities, and colleagues. We must heed Orwell's warning about the dangers of disingenuous language deliberately formulated to mislead the unsuspecting so that they think their rights are being defended when, in fact, they are callously being eroded.

Recognizing the onslaught of cruel and deceptive political actions is not enough. We must act. We are not helpless. We have a duty to resist. We have an organization that can help us resist—our union. Our struggle will be long and hard. There will be setbacks. But we can be victorious if we remain steadfast. Be courageous. Remember the lyrics from Woody Guthrie's "Union Maid," "Oh, you can't scare me. I'm sticking to the union. I'm sticking to the union 'til the day I die!"⁸⁶ 

ENDNOTES

1. Orwell, *Politics and the English Language*, p. 20.
2. Agency fees are fees unions collect from nonmembers. These fees cover the cost of contract negotiations or collective bargaining and contract administration, which includes representing employees in grievances and arbitrations. Agency fees are often called fair share fees and agency shop fees. The cost of agency fees differ from union to union. Agency fees are collected through payroll deductions. By law agency fees cannot be more than union's

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membership dues. If an employee is a member of a religious group that has historically held conscientious objections to supporting a public employees organization financially, that individual could become a “conscientious objector.” In such a case, the agency fees will be donated to a qualified nonreligious, non-labor fund that is jointly determined by the employers and union. See, “Agency Fees/Union Dues: FAQ.”

3. 1947 Taft-Hartley Substantive Provisions.
4. “Right to Work Resources.” It is interesting to note the early racist and anti-Semitic history of RTW movement. In 1941, William Ruggles, a *Dallas Morning News* editorial writer teamed up with Vance Muse, whose grandson describes him as “a white supremacist, an anti-Semite, and a Communist-baiter.” Muse’s Christian American Association, argued that to prevent the Jewish Marxist assault on free enterprise and to maintain white supremacy in the South, it was necessary to outlaw contracts that required workers to join a union. See Pierce, “The Racist Origins of Right to Work.”
5. “Querying the Lobby Disclosure Act.” According to The Center for Media and Democracy, the National Right to Work Committee has received financial support from conservative donors like Charles and David Koch, the Walton Family Foundation (Walmart), Castle Rock Foundation (Coors), Bradley Foundation, John M. Olin Foundation, and the Searle Freedom Trust. See Riestenberg and Bottari, “Who Is Behind the National Right to Work Committee and its Anti-Union Crusade?”
6. “History of The National Right to Work Committee.”
7. “Right to Work Frequently-Asked Questions.”
8. RTW states often have pro-business policies that make it difficult to extract and measure the specific impact of RTW laws. See Holmes, “The Effect of State Policies on the Location of Manufacturing: Evidence from State Borders,” pp. 667-705.
9. Shierholtz and Gould, “The Compensation Penalty of ‘Right-to-Work’ Laws.”
10. Gould and Kimball, “‘Right-to-Work’ States Still Have Lower Wages.”
11. Bureau of Labor Statistics, “Union Membership.”
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14. Gavin, “What You Need to Know About Right-to-Work.”
15. Minor, “Poverty, Productivity, and Public Health: The Effects of “Right to Work” Laws on Key Standards of Living.”
16. Key, “The Misleading Arguments Propelling Right-to-Work Laws.”
17. Beck, “Union Membership Down Nearly 40 Percent since Act 10.”
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27. "Janus v. AFSCME: A Case to Protect Public Employee's First Amendment Rights" and Janus, "Why I Don't Want to Pay Union Dues."
28. Wolf, "12 Things You Should Know About Janus. v. AFSCME."
29. Liptak, "Supreme Court Will Hear Case on Mandatory Fees to Unions."
30. *Janus v. ASFSFSCME*. 2018. Justice Alito's Majority Opinion. P. 1.
31. *Janus v. ASFSFSCME*. 2018. Justice Alito's Majority Opinion. P. 5.
32. *Janus v. ASFSFSCME*. 2018. Justice Alito's Majority Opinion. P. 7.
33. *Janus v. ASFSFSCME*. 2018. Justice Kagan's Dissenting Opinion. P. 2.
34. *Janus v. ASFSFSCME*. 2018. Justice Kagan's Dissenting Opinion. P. 27.
35. *Janus v. ASFSFSCME*. 2018. Justice Kagan's Dissenting Opinion. P. 28.
36. Wolf, *op cit*.
37. Opfer, "Unions Prep for Life After 'Far Share' Fees."
38. Will, "Will the Largest Teachers' Union Lose 10 Percent of Its Members?"
39. Manzo IV, "Union Membership Declined in 'Right-to-Work' States and Increased in Collective-Bargaining States Last Year."
40. Samuels, "Walker's Anti-Union Legislation has Labor Reeling in Wisconsin."
41. "PSC-CUNY: About Us." In the interest of full disclosure, it should be pointed out that the author of this article is a member of the Professional Staff Congress.
42. Interview with Barbara Bowen conducted by the author.
43. Horowitz, "Help for the Way We Work Now" and Schrader, "Here's Why the Freelancer Economy is on the Rise."
44. Hinton and Rezin, "A Generation Buried in Debt." Collegedebt.com placed the level of student loan debt in the U.S. at nearly \$1.59 trillion.
45. Bidwell, "Student Loan Expectations: Myth vs. Reality."
46. Hess, "This is the Age Most Americans Pay off Their Student Loans" and "Report on the Economic Well-Being of U.S. Households in 2015."
47. O'Shea, "New Grads Won't Be Able to Retire Until 75, Study Finds."
48. "CUNY: Mission & History."
49. Bowen, *op cit*.
50. Fall 2015 Profile of CUNY Undergraduates.
51. Bowen, *op cit*.
52. "The Maintenance of Effort Bill Has Passed the Senate and Assembly."
53. Mitchell, et al., "Funding Down, Tuition Up: State Cuts to Higher Education Threatened Quality and Affordability at Public Colleges." The authors of this article point out that on an inflation-adjusted basis, the average state is spending percent less, per student than before the 2008 recession, while the cost of attending a public university a risen faster than the growth in the median income.
54. Bowen, *op cit*.

55. One such union activity is the “CUNY Student Bill of Rights.” Working with community and student allies, the “Bill of Rights” includes demands for increased aid for books and class materials, fair pay and workloads for faculty, and expansion of classroom space to alleviate overcrowding. This effort stems from the successful effort by this coalition—“CUNY Raising”—to reverse Governor Cuomo’s \$485 million cut in the state’s allocation to CUNY. See Ahmad, “CUNY Rising’ Issues Student Bill of Rights.”
56. Bowen, *op cit.*
57. DeVol, et al., “A Matter of Degrees: The Effect of Educations Attainment on Regional Economic Prosperity.”
58. Bowen, *op cit.*
59. Gee, “Facing Poverty, Academics turn to Sex Work and Sleeping in Cars.”
60. Kezar and Maxey, “Faculty Matter: So Why Doesn’t Everyone Think So?”
61. Schuman, “The End of Research in Wisconsin.”
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63. Petroski and Pfannenstiel, “What’s Dead in the 2018 Iowa Legislature after First Funnel?”
64. Paul, “Gearing Up for CUNY Contract Talks” and Paul, “Moving Forward In Teaching Load Reduction.”
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66. Bowen, *op cit.*
67. Wishnia and Tepel, “California Unions Prepare for Janus Decision.”
68. Weingarten, “Teachers Rising up in Rebellion of ‘Everyday Heroes.’”
69. Bidgood and Robertson, “Striking Teachers Defied West Virginia, and Their Own Union Too.”
70. Litman, *Don’t Just March, Run for Something: A Real-Talk Guide to Fixing the System Yourself.*
71. Balingit, “From the Classroom to the Campaign Trail: Emboldened Teachers Run for Office”; Blasius, “Some Arizona Teachers are Starting to Run for Public Office”; Fink, “Meet 5 Teachers Running for Office in 2018”; Waldron and Klein, “These Kentucky Teachers Protests at the Capitol, Now They’re Running for Office”; and Beam, “Teachers flock to run for office in Kentucky.”
72. Redmap: The Redistricting Majority Project.
73. Dove, “Obama, Holder to Lead post-Trump Redistricting Campaign” and “Gerrymandering On Steroids: How Republicans Stacked The Nation’s Statehouses.”
74. Tillett, “Virginia Election Results 2017: Republican David Yancy Wins Virginia House Seat.”
75. Gray, “Anti-Gerrymandering Group Turns in Signatures to Get On the Nov. Ballot in Michigan.”
76. Hajnal, et al., “Voter Identification Laws and the Suppression of Minority Votes.”
77. Sullivan and Smith, “Use it or Lose it: Occasional Ohio Voters may be Shut Out in November.”
78. Voting Rights Institute, “The Real Cost of Photo ID: An Unnecessary, Expensive, and Intrusive Voter Restriction In a Time of Fiscal Crisis.”
79. *Husted, Ohio Secretary of State v A, Philip Randolph Institute et al.*
80. The Trump Administration’s leading candidate for the top operational job at the U.S. Census Bureau is Thomas L. Brunell. According to his *curriculum vitae*, Dr. Brunell has no government experience. He is author of *Redistricting and Representation: Why Competitive Elections Are Bad for America*. Under his leadership, the 2020 Census will be used to determine which state gain or lose Electoral College votes and seats in the House of Representatives. See Vinik and Restuccia, “Leading Trump Census Pick Causes Alarm.”

81. McManus, "What's Missing from the GOP Tax Bill? Just About Anything That Would Help the Working and Middle Classes."
82. Thompson, "Why the GOP Tax Cut Will Make Wealth Inequality So Much Worse" and "Tax Cut and Jobs Act."
83. Wells, *The War Within: America's Battle Over Vietnam*, pp. 22-65 and "Black Live Matter Syllabus Teach-In Tour."
84. "DACA Teach-In"; "Immigration Law Teach-In: Sanctuary and the Rights of Immigrants on Campus"; and "Statewide Teach-in: Immigration Rights."
85. A recently released Pew Research report shows that there is a growing anti-intellectualism among Republicans and Republican Leaning Independents. In 2017, 58 percent of Republicans and Republican Leaning Independents believe that higher education has a negative effect on the way things are going in our country while only 36 percent believe that higher education has a beneficial effect. Just two years before, these figures were reversed with 54 percent of Republicans and Republican Leaning Independents believing that there was a positive effect and 37 percent a negative effect. See Fingerhut, "Republicans Skeptical of Colleges' Impact on U.S., But Most See Benefits for Workforce Preparation"
86. Guthrie, "Union Maid."

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