

Attacks on US Public Workers and Unions Intensify

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The destruction of unions in the US has been going on for decades, steadily intensifying since the 1970s. But recent, and pending, U.S. Supreme Court decisions are now leading a new, intensive attack on unionization in the U.S.

The latest is the pending decision by the US Supreme Court in the case, “Friedrichs vs. California Teachers Association,” which targets teachers and other public workers and their unions. The decision immediately affects 10.7 million teachers in the US, and potentially a further 10 million state and local public workers who are, or might be, in unions.

The Friedrichs case is but the latest in a decades-long effort to deny unions in general – both public and private sector – necessary financial resources to effectively represent members in bargaining, and especially to undermine their ability to engage in political action like lobbying or support for pro-worker political candidates.

In the Friedrichs case, which has already heard by the US Supreme Court, with a decision coming down any day now, teachers unions won’t be allowed to use union dues or now even equivalent “agency fees” for union spending on what is the primary target of Friedrichs – i.e. political action, lobbying, candidate support, and political advocacy in general.

Teachers and other public sector unions rely heavily on mobilizing politically in support of their collective bargaining demands. They spend significant financial resources to try to elect government representatives, their bargaining partners, who are sympathetic to their interests in terms of wages, jobs, and benefits; or to defeat or remove those elected politicians who are not. They also spend heavily to lobby government and politicians after elections. Should the US Supreme Court rule in favor of Friedrichs, which is reportedly highly likely, it would mean teachers and public unions could no longer spend financial resources on such activities as they had been. They will have fewer financial resources with which to do so. And fewer financial resources translates into less political mobilizing, less political influence, and therefore less effective bargaining thereafter in the longer run.

The Friedrichs case therefore represents an important shift and intensification of anti-union efforts, this time targeting teachers and other public workers and their unions. But the attacks on private sector unions in the US have been going on for decades.

Destruction of Private Sector Unions

Since the 1970s, corporate efforts to destroy US unions have primarily targeted private sector workers and their unions in manufacturing, construction, and transport – i.e. industries where once 60-70 percent or more of the workforce were once organized before 1980 but where, today, the number of workers in the private sector in the U.S. that are

unionized has declined to barely 6 percent.

The 6.7 percent unionization of private sector work force that remains in the US today represents roughly 10.5 million out of a total 157 million in the labor force in the US today. Had the percentage of unionized in the US remained the same today as it was in 1980, at 22 percent, instead of today's 6 percent, private sector unions today would have a total membership of 35 million instead of the actual 10.5 million. Union labor has thus declined by an actual and potential 25 million members as a consequence of the corporate offensive since 1980.

The destruction of unions in manufacturing, construction, and other private sector industries has been the result of a multi-sided corporate attack on a number of fronts: virtually eliminating the right to strike, government-legal support for outright union-busting, establishing more and more obstacles to union organizing, eliminating the right to have union hiring halls, free trade and corporate tax incentives to move jobs offshore, targeting and removal of militant union leaders, allowing 40 million part time, temp, and contract workers to be exempt from union representation, expanding to 25 states what is called "right to work" laws in the US, which prevent unions from requiring workers they represent to join the union or pay any union dues.

Another element of anti-union strategy targeting manufacturing, construction and other private sector unions has been to impose more and more restrictions on how unions may spend their members' dues and financial resources on political action and mobilizing. New rules in recent decades, for example, requires unions to "refund" back to a member his or her share of what the union would have spent on political action. That means less resources for unions to spend on bargaining or political action. Up to now, the member has had to request to "opt out" of the spending to get the dues rebated. But this too may change soon, if the Friedrichs case is approved and then is extended to the private sector unions.

All of this imposing of more limits on unions spending for political action is rather ironic, given that the US Supreme Court has been approving laws like Citizens United since 2010 allowing corporations unlimited resources to spend on political action. What's clear is that corporate interests are increasingly developing ways to inhibit and reduce unions' ability to engage in political advocacy and action—in both public and private sectors.

Public Workers Unions Now the Target

A key element in the Friedrichs case is this question of "opt out" or "opt in." The case reportedly will decide whether to change the practice of 'opting out' where now the member has to request the union not spend a portion of his dues or agency fee on political action and return that portion to him, the member. Should Friedrichs be approved, the member will automatically "opt out" and the union has to request of him to "opt back in." Should that rule accompany the Friedrichs decision, it will mean massive loss of dues equivalent funds for the teachers union in this case. That precedent will like quickly apply to all other teacher unions, in other states and at the college level as well, and thereafter to public workers in cities and states in general.

This precedent could well even expand to private sector unions as well. With the major "right to work" offensive gaining momentum, where in 25 states so far workers can decide to pay no dues or equivalent, the "opt in" responsibility placed on the union will almost

certainly result in further loss of financial resources for political action.

Public sector unions have been under attack since 2009 in other ways as well. Conservative governors have been making public workers pay for state government deficits by cutting their pensions and health care and other benefits. This has occurred even as the same states continue to cut business taxes as their deficits grow. In other states, outright limits on collective bargaining have been imposed. The Friedrich's case is but the latest development in what will likely mean even more new initiatives to undermine public workers unions and their members' rights and benefits.

At the same time, the attacks continue to intensify against private sector unions. More free trade and offshoring is in the works, more categories of workers legally exempted from right to unionize (for example the "gig" or "sharing" economy job trend), and the growing "right to work" corporate funded movement at the state level all represent major initiatives ongoing against private sector unions.

What it all represents is a "legal web" has thus been woven around the Labor "Gulliver" in the US, a cocoon of laws that have been spun by corporate interests and their lobbyists, a silken coffin of the law that has virtually immobilized union labor in the U.S. To break through the web, workers in the US will have to soon start over, to rebuild their unions from the ground up. That will require a different form of grass roots organization and collective action.

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