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Right to Work Expands U.S. Senate Support *Big Labor Spends Nearly \$2 Billion to Slow Right to Work Progress*

Despite facing a challenging political climate in November's elections, the Right to Work movement was able to make real progress in key areas even as it defended gains in others.

At the federal level, the most significant gain for Right to Work advocates this fall was their expansion of Senate support for ending pro-forced unionism legislative and judicial power grabs.

(See page six of this Newsletter edition for an account of Right to Work allies' electoral accomplishments at the state level.)

Over the course of Big Labor ex-President Barack Obama's time in office, the federal judiciary, with the important exception of the U.S. Supreme Court, grew more and more protective of forced unionism.

Obama Judicial Appointees Have Established an Alarming Pattern

And taken as a group, the 46 Obama appellate court nominees who were confirmed by the Senate have established an unmistakable and alarming pattern of "reinterpreting" federal labor laws.

Time and again, they have undermined court precedents and statutes that protect, at least to a limited degree, employees' freedom to affiliate with a union.

An egregious case in point is the October 2017 ruling by two judges on the U.S. Court of Appeals for the Seventh Circuit in *Riffey v. Rauner*.

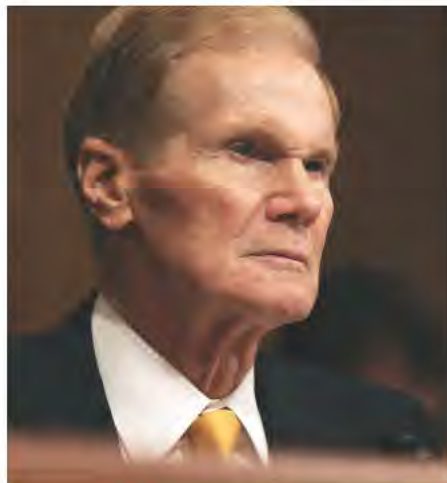
In the decision, Judges Diane Wood (who was appointed chief judge of the Seventh Circuit by Mr. Obama in 2013) and David Frank Hamilton (appointed by Mr. Obama in 2009) found that Big Labor Illinois politicians and union officials had not violated the constitutional rights of in-



Credit – National Republican Senate Committee



Credit – Greg Nash/The Hill



Credit – AP Photo



Credit – National Republican Senate Committee

After the defeats of Big Labor incumbents Heidi Heitkamp, Joe Donnelly, Claire McCaskill, and Bill Nelson, pictured clockwise starting from the upper left, U.S. Senate support for forced-dues repeal will be at an all-time high this year.

home care providers.

Judges Wood and Hamilton claimed that the government does not inflict a First Amendment injury on such individuals when it forces them to subsidize Organized Labor speech without their prior consent.

They reached this conclusion even

though the U.S. Supreme Court had already ruled in its 2014 *Harris* decision, argued and won by National Right to Work Legal Defense Foundation attorneys, that forcing homecare providers to pay for union-boss advocacy is unconstitutional.

See Voters page 2

Voters Oust Union-Label Senators

Continued from page 1

National Right to Work Committee and Foundation President Mark Mix commented:

“The unfortunate 2017 ruling in *Riffe* v. *Rauner* illustrates the kind of uphill battle Americans whose rights are trampled by Big Labor will have to fight to obtain justice until the composition of the federal appellate judiciary changes dramatically.”

Activist Anti-Right to Work Decisions ‘Stand Despite Their Defective Reasoning’

“At the end of last June, Foundation attorneys convinced the Supreme Court to invalidate the *Riffe* opinion and send the case back to the Seventh Circuit,” Mr. Mix continued.

“Unfortunately, in early December Judges Wood and Hamilton reaffirmed their earlier anti-Right to Work ruling.

“Foundation attorneys will challenge this decision. But the fact is, the High Court only agrees to hear or remand a small fraction of the appeal petitions it receives. That’s why activist anti-Right to Work decisions often stand despite their defective reasoning.”

Mr. Mix added that, in the wake of the 2018 elections, Right to Work supporters do have reason to hope that the pro-union monopoly bias of appellate courts like the Seventh Circuit could diminish over the next few years. He explained:

“No one knows what will happen next, but President Trump’s judicial nominees over the course of his first two years in office have overwhelmingly been, based on what we know of them, the kind of jurist who will give a fair hearing to workers who have a disagreement with Big Labor bosses.”

Four-Seat Senate Gain For Right to Work Means Judicial Progress Can Continue

As this edition of the National Right to Work Newsletter went to press in early December, 29 of Mr. Trump’s appellate court nominees had been confirmed by the Senate.

But if Big Labor Democrats had taken operational control over the Senate last fall, as union political operatives publicly predicted they would, hopes of further reducing judicial bias against the individual employee’s Right to Work would have been severely undermined, if

not dashed altogether.

“Time and again, pro-forced unionism senators have voted in lockstep against Trump judicial nominees who they suspected would uphold statutory and constitutional protections for American employees who do not wish to join or bankroll a union,” recalled Mr. Mix.

“But for the next two years, at least, it won’t be easy for Big Labor to block such nominees in the Senate.”

On November 6, citizens for whom the Right to Work is key helped oust Big Labor Sens. Heidi Heitkamp (N.D.), Joe Donnelly (Ind.), Claire McCaskill (Mo.) and Bill Nelson (Fla.). All four are being replaced by challengers who made campaign pledges to support Right to Work 100% if elected.

Moreover, in Tennessee, U.S. Rep. Marsha Blackburn, a sponsor of the House version of the National Right to Work Act who has pledged to continue opposing forced unionism across the board in the Senate, was elected to replace retiring Sen. Bob Corker, a fence sitter on federal Right to Work protections.

Nevada was the only state in which union kingpins succeeded in replacing a Right to Work Senate supporter with one of their puppets.

The net four-seat gain will put Senate support for federal forced-dues repeal at an all-time high this year.

Even with an estimated total of nearly

\$2 billion in mostly forced-dues money at its disposal, the union machine utterly failed to generate a “wave” for its favored Senate candidates.

But in House contests, lavishly funded union electioning operatives dealt Republican politicians their worst defeat in more than four decades.

Republican Union-Boss Appeasers Fared Worse as a Group

The net Democrat gain of 40 House seats was more than sufficient to switch over partisan control of the chamber and install dyed-in-the-wool forced-unionism proponent Nancy Pelosi (D-Calif.) as House speaker for at least the next two years.

“While Big Labor successfully targeted a very small number of staunchly pro-Right to Work GOP congressmen, it picked off more forced-unionism appeasers, such as six-term Congressman Pete Roskam [Ill.] and five-term Leonard Lance [N.J.],” noted Mr. Mix.

“That’s why, despite the overall results, the incoming House potentially has, based on members’ campaign pledges and past records combined, a record number of sponsors of national Right to Work legislation in it!

“As speaker, Nancy Pelosi can be expected to advance a virulently anti-Right to Work agenda in the months ahead.

“But Right to Work leaders are cautiously optimistic we will be able to block all such power grabs through grassroots mobilization in the Senate.”



Judge Diane Wood is one of a distressingly high number of anti-Right to Work judicial activists in the federal court system today. Fortunately, Trump appointees appear to be more concerned about workers’ rights than union privileges.

Credit: Appellate Lawyers Association

Public Alerted About Pro-Forced Dues Candidates

Survey Program Featured Mailings, Emails and Advertising

Thanks to National Right to Work Committee members' generous assistance, the Committee's Survey 2018 program helped bring about a significant increase in U.S. Senate support for federal forced-dues repeal legislation in November.

From the beginning of the 2018 election cycle, it was clear that a number of union-boss puppet senators representing states where the Right to Work principle is overwhelmingly popular could have difficulty defending their records, even with their political party having the wind at its back nationally.

At the same time, union kingpins in Washington, D.C., calculated that their forced dues-funded phone banks, get-out-the-vote drives and propaganda mailings would help otherwise doomed Big Labor Senate politicians win close races.

But throughout the final weeks of campaign 2018, the Committee's federal survey program ensured that Senate incumbents and challengers who had sought to conceal their pro-forced unionism agenda were held accountable.

Cases in point include now-ousted incumbent Sens. Joe Donnelly (D-Ind.), Heidi Heitkamp (D-N.D.), and Bill Nelson (D-Fla.), along with former governor and 2018 Senate challenger Phil Bredesen (D-Tenn.).

To mobilize Right to Work supporters, the Committee distributed last year a total of roughly 6.5 million federal Survey 2018 "information packets" through the U.S. Postal Service.

Above and beyond that, Survey 2018 had a massive Internet component, including approximately 2.5 million emails transmitted in early November. All this plus targeted multi-media advertising.

Candidates Got to Choose: Repudiate Forced Unionism or Face Political Consequences

The packets, emails and ads let grass-roots Right to Work supporters know where their candidates stood on compulsory unionism.

And most of the packets were mailed out during the fall election campaign season to specifically targeted states and districts across the country.

In Right to Work Indiana, North Dakota and Florida, specifically, Committee mailings reminded freedom-loving citizens about how their senators



Committee President Mark Mix: The Survey 2018 program repeatedly gave anti-Right to Work candidates like Sens. Joe Donnelly and Heidi Heitkamp opportunities to back away from their support for forced unionism. They didn't take them.

had regularly sided with union bosses who want the federal government to make it even easier to corral employees into unions.

Committee communications simultaneously let concerned Hoosiers, North Dakotans and Floridians know, respectively, that Senate challengers Mike Braun (R-Ind.), Kevin Cramer (R-N.D.), and Rick Scott (R-Fla.) had pledged to support Right to Work 100% in Congress' upper chamber if given the opportunity.

In North Dakota, where a total of nearly 80,000 Right to Work federal information packets were sent over the course of the 2018 general election campaign, Ms. Heitkamp was ultimately defeated by roughly 35,000 votes.

Meanwhile, nearly 737,000 Right to Work information packets were sent to Indiana, highlighting the respective stands of Sen. Donnelly and Mr. Braun during the fall campaign. Mr. Donnelly went on to lose by fewer than 134,000 votes.

And in Florida, where interested citizens had received more than 1.3 million information packets stating where their Senate candidates stood on Right to Work, Mr. Nelson lost by a scant 10,000-vote margin.

One key open seat Senate race pitted staunchly pro-Right to Work U.S. Rep. Marsha Blackburn against Mr. Bredesen, who was backed by the Tennessee AFL-CIO hierarchy and other union bosses.

After roughly 558,000 Right to Work information packets were sent to Tennessee, Ms. Blackburn won by

243,000 votes.


Committee President Mark Mix emphasized that Joe Donnelly, Heidi Heitkamp, Bill Nelson, and Phil Bredesen were repeatedly given opportunities to back away from their support for forced unionism. But all refused to heed their pro-Right to Work constituents.

Survey 2018 Helped Hold the Line For Right to Work in House of Representatives

While pro-Right to Work House candidates as a group did not fare as well in 2018 as did pro-Right to Work Senate candidates, Survey 2018 clearly helped contain the damage as Big Labor-backed House Democrat candidates enjoyed a banner election cycle, with their party gaining 40 seats and taking over the chamber.

Among the 103 House Republicans who were sponsors of national Right to Work legislation in the last Congress and were on the ballot last fall, 87% were victorious on November 6.

Meanwhile, a smaller share of the 97 House Republicans who were not Right to Work sponsors and ran to keep their seats succeeded in doing so.

"It is because pro-Right to Work Republicans did better electorally than their party's fence sitters that total Right to Work House sponsorship could potentially reach an all-time high in the new Congress, even with Nancy Pelosi as speaker," commented Mr. Mix. 

Union Boss-Dominated, Knee-Deep in Debt

Right to Work States Are Better Prepared For Next Fiscal Storm

A recent report prepared for the Arlington, Va.-based Mercatus Center adds to the evidence that government union officials endowed with monopoly-bargaining and forced-dues privileges have routinely wielded them to jack up governments' long-term and unfunded spending commitments.

As a consequence of Big Labor's compulsory dues-financed lobbying successes, states that give more special privileges to public-sector union officials have routinely burdened their citizens with more debt as well as heavier taxation.

According to the Mercatus Center analysis, published last fall, all of the 12 bottom-ranking states for "long-run solvency" during the Fiscal Year 2016 (the most recent year for which the relevant data are available) were forced-unionism as of the end of FY 2016.

But 11 of the 12 highest-ranking states for "long-run solvency" have long-standing Right to Work laws.

(For additional information, see the chart below.)

A separate analysis released by the American Legislative Exchange Council (ALEC) at the end of 2017 found that, in the aggregate, unfunded liabilities of state-administered pension plans now exceed \$6 trillion.

According to ALEC, such unfunded liabilities add up to \$18,676 "for every

resident of the United States."

And, as the Mercatus Center did, ALEC found there is a strong negative correlation between a state's solvency and public policies authorizing the termination of employees for refusal to fork over forced union dues or fees to an unwanted union.

In Dollar Terms, Per Capita Pension Liabilities Are 40% Lower in Right to Work States

States without a Right to Work law on the books in 2017 had an average unfunded per capita pension liability of \$23,354.

In contrast, the 27 states with Right to Work laws in effect had a large, but much more manageable, average per capita pension liability that was 40% lower.

Expressed as a share of 2017 Gross Domestic Product by state, the average unfunded pension liability for forced-dues states was 34.5%, compared to an average of 26.2% for Right to Work states.

National Right to Work Committee Vice President Greg Mourad commented:

"Obviously, Right to Work laws in themselves do not suffice to prevent politicians from making pension promises to government union officials that taxpayers can't reasonably be expected to fulfill.

"But they do evidently help keep politicians' irresponsibility from getting totally out of hand.

"The reason why isn't hard to see. In jurisdictions where forced union dues and fees have been permitted and union monopoly bargaining in the public sector has been authorized for years, union bosses negotiate with government employers over civil servants' pay, benefits and working conditions.

"Meanwhile, for many years, government union chiefs have funneled a large portion of the compulsory dues and fees they collected into efforts to influence the outcomes of state and local elections.

"And the outcomes of those elections often determine who represents the public at the bargaining table."

Janus Decision a Major First Step Towards State Fiscal Sanity


Because of union bosses' extraordinary special privileges, politicians in forced-dues states have often preferred to cut core services and raise taxes again and again rather than stand up to Big Labor.

Just last summer, the U.S. Supreme Court threw out a lifeline to fiscally troubled Big Labor stronghold states like New Jersey and Connecticut with its decision in *Janus v. AFSCME Council 31*.

Ruling in favor of independent-minded Illinois civil servant Mark Janus in a case argued and won on his behalf by Right to Work staff attorney William Messenger, the High Court found that extracting forced fees for union advocacy from public employees as a job condition violates the First Amendment.

This was primarily a victory for individual rights. Its potential impact on state budgets is also vast.

"Although actual implementation of *Janus* is going to require additional time and lots of determination, this landmark decision is already giving lawmakers in state after state an opportunity to reassert control over public pension obligations and protect taxpayers," said Mr. Mourad.

"But much legislative work remains to be done. Additional state laws protecting private-sector employees' Right to Work and repeal of government-sector monopoly-bargaining statutes are indispensable parts of public budget reform." 

Compulsory Unionism Linked to Higher Long-Term Liabilities

Best States For Solvency			Worst States For Solvency				
1	Nebraska	7	Wyoming	50	New Jersey	44	Maryland
2	S. Dakota	8	N. Carolina	49	Illinois	43	Rhode Island
3	Oklahoma	9	N. Dakota	48	Mass.	42	Hawaii
4	Tennessee	10	Utah	47	Connecticut	41	Vermont
5	Idaho	11	S. Carolina	46	Kentucky	40	Delaware
6	Alaska	12	Iowa	45	California	39	New York

Right to Work states in bold, Forced-unionism states are shaded. (Data rankings are for FY 2016, before Kentucky's Right to Work law was adopted.)

Source: *Ranking the States by Fiscal Condition*, 2018 edition.
 Authors: Eileen Norcross and Olivia Gonzalez
 Mercatus Center - George Mason University

As a consequence of Big Labor's compulsory dues-financed lobbying successes, states that give more special privileges to public-sector union officials have routinely burdened their citizens with more debt as well as heavier taxation.

Big Labor Politicos Don't Speak For Educators

Sooner Teacher Candidates Run Against NEA-Boss Platform and Win

In the spring of 2018, Oklahoma was one of a number of states in which government union bigwigs helped incite some teachers to engage in illegal strikes that shut down government schools.

It's a fact: Americans overwhelmingly support higher pay for hardworking and effective teachers, and when necessary in order to fill particular teaching positions with qualified individuals.

Of course, these are not the aims of teacher union bosses and the other political radicals who collaborated with them to orchestrate last year's school strikes.

In the Sooner State, for example, the self-styled Big Labor front group "Oklahoma Parents and Educators For Public Education" (OPEPE) used the illegal strikes as a vehicle to ram through a \$447 million tax hike on targeted consumers and businesses.

Throughout last year's primary and general election campaigns, OPEPE operatives supported pro-tax incumbents and challengers and bitterly attacked pro-taxpayer candidates who favored across-the-board pay increases for teachers, but wanted to fund them by reallocating resources rather than through higher taxes.

It's 'Wrong to Assume All Educators Walk in Lockstep' With Union Dons

Meanwhile, the hierarchy of the Oklahoma Education Association (OEA) union, which is a subsidiary of the gargantuan National Education Association (NEA) union, touted its so-called "Oklahoma Education Caucus."

This was a list of Sooner teachers and other individuals who are or once were in some way professionally affiliated with schools who were running for public office in 2018.

According to a November 13 editorial published in Oklahoma City's *Daily Oklahoman*, the OEA union brass "identified 60 general election candidates as educators, including 56 running for legislative seats."

On Election Day, 15 of the 56 won a seat in the Oklahoma state Senate or House of Representatives.

However, the editorial continued, just five of the 15 winning "educator" candidates were endorsed by the OEA union's so-called "Fund for Children and Public Education"!



Credit: Toni Hasenbeck campaign photo

Oklahoma state Rep.-elect Toni Hasenbeck is a seventh grade teacher and 2018 candidate who publicly disagreed with union chiefs on key issues like taxes and charter schools. She won in November by a 1,600-vote margin.

It dryly concluded: "[I]t's wrong to assume all educators walk in lockstep or parrot the views of teachers' unions and activist groups, let alone owe their campaign success to them."

Bucking NEA Bosses, Educator Candidates Backed Charters And School Choice

Oklahoma state Reps.-elect Toni Hasenbeck and Kelly Albright and state Sen.-elect David Bullard are cases in point.

Ms. Hasenbeck, a middle school teacher in Comanche County, opposed Oklahoma's Big Labor-backed 2018 tax increase and rejected OEA officials' demand for a moratorium on public charter schools, which unlike traditional government schools are overwhelmingly union-free.

Ms. Albright, an elementary school teacher in Oklahoma City, also endorsed charters and school choice, as did Mr. Bullard, a longtime teacher from Durant, Okla.

Undoubtedly because they refused to toe the union line, Ms. Hasenbeck, Ms. Albright, and Mr. Bullard did not receive OEA officials' endorsements for their campaigns. But they all won anyway.

Meanwhile, "educator" candidates like incumbent Reps. Donnie Condit (McAlester) and Karen Gaddis (Tulsa) kowtowed to union political chiefs and went down to defeat.

"A very small minority of American teachers regularly agree with the stands

that the bosses of the NEA and its subsidiaries and other teacher unions take on education, taxes, and an array of other issues," noted National Right to Work Committee Vice President Mary King.

"But until the U.S. Supreme Court's ruling last summer in *Janus* (a case that was argued and won by a National Right to Work Foundation staff attorney), teachers and other public school employees in more than 20 states were routinely forced to pay dues or fees to union officials who were misrepresenting them.

"If they refused, they were fired.

"Thanks to *Janus*, it is now legally prohibited in all 50 states to force teachers and other public employees to pay for union advocacy with which they disagree as a condition of working for the taxpayer.

"That's genuine progress. The next major step is revocation of government union bosses' monopoly-bargaining privileges.

"Today more than 30 states still have laws on the books empowering union bosses to speak for all public servants who choose not to join their organizations, as well as those who do, in discussions with the employer regarding working conditions.

"Many teachers, such as those who are qualified for teaching positions that school administrators normally have trouble filling, routinely get paid less due to union monopoly bargaining.

"Elimination of union bosses' so-called 'exclusive representation' privileges is essential to protect independent-minded teachers."

Right to Work Consolidates Recent State Gains

Bids to Bring Back Forced Dues Will Be ‘Categorically’ Rejected

Thanks to recent progress made by Right to Work proponents, 27 of the 50 states now have laws on the books prohibiting forced union dues and fees, and just over half of all Americans today enjoy the benefits of living in a Right to Work state.

But in this fall’s elections, union political strategists anticipated at least making substantial headway towards reinstating forced unionism in several of the five states -- Indiana, Michigan, Wisconsin, West Virginia and Kentucky -- that have adopted and implemented Right to Work laws since early 2012.

Top Union Bosses Were Out For Revenge In 2018 Elections

Unfortunately for Big Labor, the people of Indiana, Michigan, Wisconsin, West Virginia and Kentucky refused to cooperate with its plan.

Next year, Right to Work advocates will remain firmly in control of both legislative chambers in all five of these states.

Among the many rebukes union bosses received at the grass-roots level in Right to Work states on November 6, the most bitter of all may have been the unraveling of their scheme to punish Kentucky lawmakers for opposing forced dues and fees.

The Bluegrass State is the only one of the 27 Right to Work states to have adopted its ban on the termination of employees for refusal to bankroll an unwanted union since the beginning of 2017.

Consequently, over the course of 2018, voters in Kentucky had their first



Credit: U.P. Politico/Wikimedia Commons

Incoming Michigan House Speaker Lee Chatfield (Levering) has publicly opposed Right to Work destruction.

opportunities to react at the polls to what their politicians had done.

Kentucky Electoral Results Were a Let Down For Union-Boss Politicians

Counting on the union political machine to deliver for him and his fellow pro-forced unionism politicians, Kentucky House Minority Leader Rocky Adkins (D-Sandy Hook) boldly declared in late October:

“I’m optimistic that we have a very good chance to take back the Kentucky House. . . . That is our goal.”

But when the dust settled after the November elections, there were roughly as many identified Right to Work supporters

in the Kentucky House as the 58 (out of 100) who had voted against compulsory dues in early 2017.

And Right to Work clearly gained strength in the Kentucky Senate, where 19 of the 38 seats were up for grabs.

In Michigan, union-label politicians openly vowed last fall that, if granted the opportunity, they would immediately move to kill the state Right to Work law that took effect in the spring of 2013.

Less than a week before Election Day, Rep. Brian Elder (Bay City), one of three Big Labor Democrats openly campaigning to become speaker if their party took over the chamber, declared:

“The very first bill that we will pass will be a repeal of the Right to Work law.”

Michigan Lawmakers Who Have Supported Right to Work Are Not Going to Change Course


But it turns out that this wasn’t remotely what Michigan voters wanted.

Despite receiving massive support (much of it funded by forced union dues and fees collected out of state) from Big Labor bosses who smelled blood in the water and a political climate that was unfavorable to Republicans, pro-employee compulsion Michigan Democrat legislative candidates underperformed on Election Day.

In 2019, the GOP caucuses who delivered all of the votes that sent Right to Work legislation to then-Gov. Rick Snyder’s desk at the end of 2012 will hold a 58-52 House majority and a 22-16 Senate Majority.

And both the new House speaker and the new Senate majority leader have already made it clear they will not cooperate with any bid by incoming union-boss Gov. Gretchen Whitmer and her allies to repeal or gut Michigan’s Right to Work law.

Senate head Mike Shirkey (Clarklake), who was one of Right to Work’s lead sponsors, is particularly adamant that he will “categorically reject” any tampering with Right to Work.

National Right to Work Committee Vice President Matthew Leen commented: “As the evidence continues to mount that voters reward politicians for standing up to the union bosses, I believe there may well be positive repercussions even in states like Pennsylvania and Montana, where recent Right to Work efforts have been uphill.” 

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Union Bosses Abuse Taxpayers

Continued from page 8

analyses in order to ascertain which factors contribute to or detract from schools' effectiveness.

Monopolistic Unions Are 'Negatively Related' to Student Performance

Among the variables they studied, "union strength" (an index derived from how extensive teacher union officials' legal privileges are and how much political clout they wield, among other closely related factors) has the most markedly detrimental impact:

"The union strength variable . . . has a substantial and statistically negative relationship with student achievement."

Dr. Liebowitz and Mr. Kelly concluded that their research findings are "consistent" with the view that "[monopolistic] unions are negatively related to student performance . . ."

They explained that the detrimental impact is presumably related to Big Labor bosses' opposition to "the removal of underperforming teachers" as well as "merit-based pay," and/or to "union work rules."

In general, they said, "studies that most effectively control for heterogeneous student populations, as we have, tend to find more negative relationships, as those

found here."

The Liebowitz-Kelly policy analysis focused on efficiency as well as quality.

As they explained, it is "important to consider, on behalf of taxpayers, how much government expenditure is undertaken to achieve a given level of success."

However, they wished to be fair to high cost-of-living states, "where above normal education costs may reflect price differences rather than greater extravagance in spending."

Nine Highest-Ranking States For Educational Efficiency All Bar Teacher Forced Dues

Therefore, they calculated an efficiency rating "based on education quality per adjusted dollar of expenditure, where the adjustment is to control statewide differences in cost of living . . ."

(The cost-of-living adjustments used by Dr. Liebowitz and Mr. Kelly were taken from the Missouri Economic Research and Information Center's Cost of Living Data Series 2017 Annual Average.)

In the state rankings assessing how well ethnically and racially diverse students do relative to how much schools spend in cost of living-adjusted dollars, all of the nine highest-ranking states have been protecting educators' Right to Work for more than two decades.



Credit: WVKU (Cincinnati, Ohio)

The Liebowitz-Kelly findings should encourage pro-Right to Work elected officials such as Kentucky Gov. Matt Bevin to push for passage of state legislation prohibiting union monopoly bargaining in public agencies.

In order, they are: Florida, Texas, Virginia, Arizona, Georgia, North Carolina, Indiana, South Dakota and Colorado.

Six of these states -- Texas, Virginia, Arizona, Georgia, North Carolina and Colorado -- either do not statutorily authorize or explicitly prohibit union monopoly bargaining as well as other forms of union bargaining in K-12 public education.

The average efficiency ranking for teacher Right to Work states is #20, compared to #30 for states where teacher forced union dues were still permitted until *Janus*. The efficiency rankings expose the wastefulness of forced-unionism states like New York, "which spend a great deal for mediocre performance."

Janus Court 'Laid the Groundwork' For School Reform in 22 States

In contrast to unionization, which is clearly "negatively related to student performance," a state's average class size and the share of its students who are in private schools do not appear to have a measurable impact on student performance, according to Dr. Liebowitz and Mr. Kelly.

They did identify a small positive impact from the availability of charter schools as an alternative to public schools managed directly by government officials, but it is modest compared to the negative consequences of monopolistic unionism.

National Right to Work Committee and National Right to Work Legal Defense Foundation President Mark Mix observed that the Liebowitz-Kelly study furnishes important lessons for concerned citizens and state policymakers:

"First of all, the evidence in the paper shows that, when the Supreme Court ruled that public-sector forced union dues are unconstitutional in the *Janus* case, it simultaneously laid the groundwork for public schools in the 22 states where teacher forced dues had been legal up to that time to improve.

"Thanks to *Janus*, schools in former teacher forced-dues states can do a better job of educating schoolchildren at a more reasonable cost to taxpayers.

"Moreover, the Liebowitz-Kelly findings should encourage state lawmakers in jurisdictions where monopolistic unionism continues to be authorized and promoted in public education post-*Janus* to eliminate or at least roll back government union officials' special legal privileges.

"And Big Labor's unwarranted power to codetermine with school officials how employees are compensated and managed is the key remaining problem." 📌

Union Monopolists Make Schools Less Effective

'Substantial' Negative Impact on Student Achievement Documented

One advantage American school reformers have over their counterparts in many other countries is that, thanks to the vertical separation of powers in the U.S. Constitution, the 50 state governments today retain a substantial degree of control over how schools are funded and managed.

Employee-employer relations may be the single most important public education policy area over which states remain sovereign.

In 21st Century America, states are still free to refuse to adopt any law instituting compulsory union bargaining in taxpayer-funded education as well as in other public institutions.

The fact is, state lawmakers benefit schoolchildren and taxpayers by refusing to hand government union bosses monopolistic power over public education.

Teacher Forced Union Dues Have Long Been Banned In 24 of the 50 States

In a recent policy analysis for the Washington, D.C.-based Cato Institute, University of Texas (UT) economist Stan Liebowitz and UT research fellow Matthew Kelly quantitatively demonstrate that union monopolists make schools less effective and more costly.

Thanks largely to the persistent and determined lobbying efforts of the members of the National Right to Work Committee, there is not now and there never has been a federal law forcing any state or local government employers to recognize any union as employees' "exclusive" (monopoly) bargaining agent.

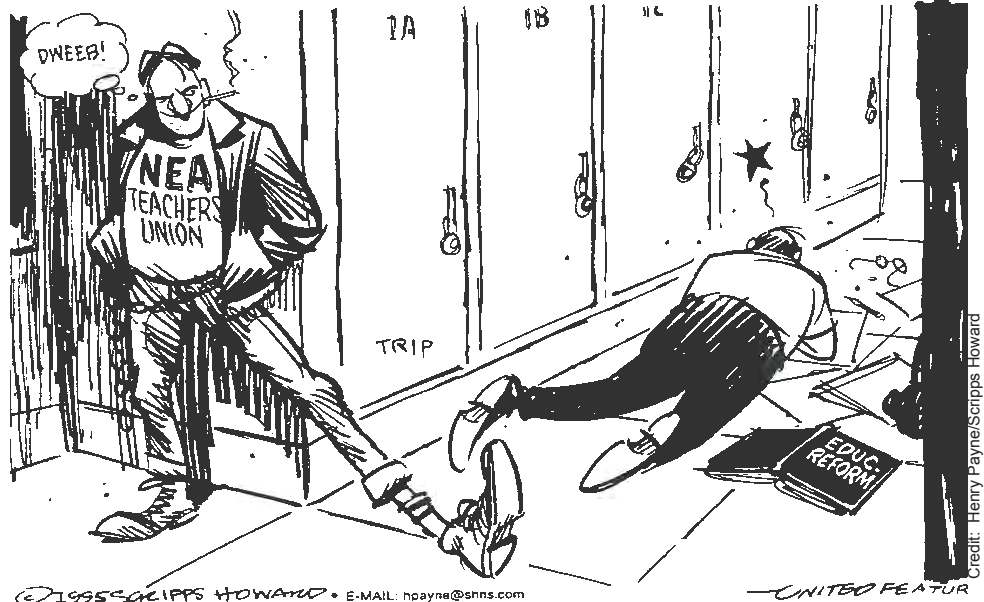
Two states, North Carolina and Virginia, actually have statutory prohibitions against any government-sector bargaining.

An additional 13 states do not currently have and never have had a court decision, statewide statute, or constitutional provision forcing K-12 public school employers to engage in any form of bargaining with any union.

Moreover, a total of 24 states have for at least the past decade-and-a-half prohibited the extraction of compulsory union dues or fees from elementary and secondary public school teachers as a condition of employment.

In other words, nearly half of the 50 states have prohibited forced financial support as a teaching job condition since before today's high school seniors were in kindergarten.

Meanwhile, 22 states have until now



A new scholarly study shows convincingly that more extensive monopoly privileges and greater political clout for teacher union bosses result in worse educational outcomes at a higher cost to taxpayers.

statutorily authorized or (in the case of Missouri only) tolerated the firing of public school teachers for refusal to bankroll a union they never asked for, and don't want.

Analysis Makes Apples-to-Apples Comparisons of State Educational Outcomes

Early last summer, the U.S. Supreme Court finally ruled, in a case in which National Right to Work Foundation attorney William Messenger was the civil servant plaintiff's counsel of record, that laws and other policies forcing public employees to pay for union advocacy in order to keep their jobs violate the First Amendment.

Of course, this recent landmark High Court decision (*Janus v. AFSCME Council 31*) did not have any impact on any nationwide standardized test of student achievement whose results are known at this time.

To make valid comparisons of state educational outcomes, one must first of all use a standardized test that is administered to all or a random sampling of all schoolchildren at a particular grade level across the country. The test that best fits the bill is the National Assessment of Educational Progress (NAEP).

The Liebowitz-Kelly policy analysis ("Fixing the Currently Biased State K-12

Education Rankings") drew on 2017 state NAEP results for math and reading and 2015 results for science.

(The NAEP math and reading tests are offered to fourth and eighth graders in all 50 states every two years.

The science and writing tests are offered to fourth and eighth graders every four years.)

By using the racial and ethnic information supplied by NAEP to control for demographic differences among the 50 states, Dr. Liebowitz and Mr. Kelly were able to make "apples-to-apples" state comparisons.

Most States With the Highest Educational Quality Protect Teachers' Right to Work

According to the Liebowitz-Kelly analysis, seven of the top 10 states for educational quality (Virginia, #1, Florida, #3, Texas, #5, Georgia, #7, Wyoming, #8, Indiana, #9, and North Dakota, #10) have longstanding protections for K-12 educators' Right to Work.

The average quality ranking for teacher Right to Work states is #22, compared to #26 for states where teacher forced union dues were still permitted until *Janus*.

In addition to ranking states for educational quality, Dr. Liebowitz and Mr. Kelly conducted several regression

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