

## **PUBLIC EMPLOYEES AND COLLECTIVE BARGAINING – CONSIDER THIS!**

**Stephen L. Bakke – March 3, 2011**

A huge news story recently has been the demonstrations in Madison, Wisconsin over the insistence by the Governor and Republican controlled legislature, that public sector employees contribute to their healthcare insurance and their pension plans. In addition, the proposed legislation would eliminate at least some portions of public employees' collective bargaining rights. The issue of public employee collective bargaining is what this debate is all about.

This is not an easy issue in which to pick sides. We are used to having freedom for most workers to organize into unions, and have their wages and fringes decided through the collective bargaining process. But there's more to it than just recent practices. Public employee unions are a relatively recent phenomenon. **I developed a list of some things to consider while attempting to reach an opinion. We should take these things into account, along with all the other things being bantered about, before finally picking sides.**

### **Franklin Delano Roosevelt – Unions' "Patron Saint"**

While a champion of workers' rights and the union movement, President Franklin Delano Roosevelt often expressed caution and concern about public sector unions. In a letter to the president of the National Federation of Federal Employees in 1937, Roosevelt wrote:

*"... Meticulous attention should be paid to the special relationships and obligations of public servants to the public itself and to the government. **All Government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service.** It has its distinct and insurmountable limitations ... The very nature and purposes of Government make it impossible for ... officials ... to bind the employer ... The employer is the whole people, who speak by means of laws enacted by their representatives ...*

*"Particularly, I want to emphasize my conviction that militant tactics have no place in the functions of any organization of government employees. Upon employees in the federal service rests the obligation to serve the whole people ... This obligation is paramount ... A strike of public employees manifests nothing less than an intent ... to prevent or obstruct ... Government ... Such action, looking toward the paralysis of Government ... is unthinkable and intolerable."*

I believe Roosevelt was reminding the union, and the nation, that the "true employers" (i.e. citizens) are not at the collective bargaining table – only the politicians. And politicians have a conflict of interest here. It was inevitable that civil servants would wind up being arguably better-paid and better-pensioned than the folks in the private sector – because they got to negotiate with politicians who had nothing to lose by giving in to union demands.

**Consider that when forming your opinion!**

## NEA's Former General Counsel, Bob Chanin – Farewell Comments – July, 2009:

*"Despite what some among us would like to believe it is not because of our creative ideas. It is not because of the merit of our positions. It is not because we care about children and it is not because we have a vision of a great public school for every child. NEA and its affiliates are effective advocates because we have power.*

*And we have power because there are more than 3.2 million people who are willing to pay us hundreds of millions of dollars in dues each year, because they believe that we are the unions that can most effectively represent them, the unions that can protect their rights and advance their interests as education employees.*

*This is not to say that the concern of NEA and its affiliates with closing achievement gaps, reducing dropout rates, improving teacher quality and the like are unimportant or inappropriate. To the contrary. These are the goals that guide the work we do ..... **But they need not and must not be achieved at the expense of due process, employee rights and collective bargaining. That simply is too high a price to pay.**"*

That deserves a “full fledged” hysterically ranting “**GOOD BLEEPIN’ GRIEF**”! That gives us some appreciation for their real priorities – teacher quality and education effectiveness deserve only a tip of the hat and an “oh yea, that too” comment!

### Consider that when forming your opinion!

#### Saul Alinsky and His “Method”

Former NEA official John Lloyd pointed to an explanation for their goals and methods:

*"You cannot possibly understand NEA without understanding Saul Alinsky. **If you want to understand NEA, go to the library and get 'Rules for Radicals.'**"*

The demonstrations in Madison and elsewhere are not just “spontaneous combustion.” They are an organized effort by national forces opposed to any resistance to union power. And that’s perfectly OK. But we must understand the methods and motivations taught to these organizers by the “granddaddy” of all community organizers, Saul Alinsky – a brilliant man!

Several months ago I carefully read Alinsky’s book “Rules For Radicals” and wrote a report on it. Here are some excerpts from my report:

Quotes from Alinsky’s Book - “..... *founded what is known today as the Alinsky ideology and Alinsky concept of mass organization for power.*” **He said: “My aim here is to suggest how to organize for power: how to get it and use it”** ..... **“You do what you can with what you have and clothe it with moral garments.”** “Power is not only what you have but what the enemy thinks you have.” ..... “Ridicule is man’s most potent weapon” ..... “The first step in community organization is community disorganization. No politician can sit on a hot issue if you make it hot enough” ..... “we are concerned with how to create mass organizations to seize power and give it to the people”

(Here I did paraphrase) *The opposition is the enemy and they are 100% evil, without any redeeming features. To recognize any good points offrom the opposition is a sign of weakness. Manipulate otherwise “partners” into adversarial positions.*

Does that sound familiar and reminiscent of what we are witnessing in Madison?

The goal is clear. It’s about organizing for power. **Consider that when forming your opinion!**

### **Political Contributions**

Columnist Michael Barone recently reminded us of the fact that most of the membership in U.S. unions are public employees and they gave Democrats some \$400 million in the 2008 election cycle. He went on to point out:

*“The American Federation of State, County and Municipal Employees, the biggest public employee union, gave Democrats \$90 million in the 2010 cycle ... The money ..... comes from taxpayers, present and future, who are the source of every penny of dues paid to public employee unions, who in turn spend much of that money on politics, almost all of it for Democrats. **In effect, public employee unions are a mechanism by which every taxpayer is forced to fund the Democratic Party** ... Now hard economic times have left voters wondering why public employees pay practically zero toward their health insurance and pensions when they have to pay plenty themselves.”*

**Consider that when forming your opinion!**

### **What Happened to the Democrats’ Push for Civility in Public Debate?**

Michael Capuano, a Massachusetts Democrat, said this at a Boston 'solidarity' rally:

*“I'm proud to be here with people who understand that it's more than just sending an email to get you going. Every once and awhile you need to get out on the streets and get a little bloody when necessary .....”*

He urged *government employees* to “get a little bloody” – to commit violence against citizens!

**Consider that when forming your opinion!**

### **There Was a Court Opinion on This Issue**

Courts have generally held that collective bargaining by government workers should be forbidden on the legal grounds of sovereign immunity and unconstitutional delegation of government powers. In 1943, a New York Supreme Court judge held:

*“To tolerate or recognize any combination of civil service employees of the government as a labor organization or union is not only incompatible with the spirit of democracy, but inconsistent with every principle upon which our government is founded. Nothing is more dangerous to public welfare than to admit that hired servants of the State can*

*dictate to the government the hours, the wages and conditions under which they will carry on essential services vital to the welfare, safety, and security of the citizen. To admit as true that government employees have power to halt or check the functions of government unless their demands are satisfied, is to transfer to them all legislative, executive and judicial power. Nothing would be more ridiculous.”*

### **Consider that when forming your opinion!**

#### **The New York Times – An Old Report, But Still Relevant and Accurate**

Long-time *New York Times* labor reporter A. H. Raskin wrote in 1968:

*“The community cannot tolerate the notion that it is defenseless at the hands of organized workers to whom it has entrusted responsibility for essential services.”*

### **Consider that when forming your opinion!**

#### **Is There Anything Incriminating in What Union Bosses Have Said?**

The “power” referred to several times herein, obviously led Victor Gotbaum, leader of District Council 37 of the AFSCME in New York City, to brag in 1975:

*“We have the ability, in a sense, to elect our own boss.”*

He actually admitted it! **Consider that when forming your opinion!**

#### **Don’t Public Employees Need Bargaining Power to Keep Up With the Private Sector?**

Daniel DiSalvo, assistant professor of political science at City College of New York, reports that when all jobs are considered, state and local public-sector workers today earn, on average, \$14 more per hour in total compensation (wages and benefits) than their private-sector counterparts. The *New York Times* has reported that public-sector wages and benefits over the past decade have grown twice as fast as those in the private sector.

George Mason University Professor and Economist Walter E. Williams reports that:

*“According to the Department of Labor, most union members today work for state, local and federal government. Close to 40 percent of public employees are unionized. As such, they represent a powerful political force in elections. If you’re a candidate for governor, mayor or city councilman, you surely want the votes and campaign contributions from public employee unions. In my view, that’s no problem. **The problem arises after you win office and sit down to bargain over the pay and working conditions with unions who voted for you.**”*

*“Given the relationship between politicians and public employee unions, we should not be surprised that public employee wages and benefits often average 45 percent higher than their counterparts in the private sector. Often they receive pension and health care benefits making little or no contribution.*

Makes sense! **Consider that when forming your opinion!**

### **But What's the Real Difference Between the Public and Private Sector?**

Professor Williams writes:

*“How is it that public employee unions have such a leg up on their private-sector brethren? The answer is not rocket science. **Employers in the private sector have a bottom line. If they overcompensate their employees, company profits will sink. The company might even face bankruptcy.***

Professor DiSalvo, explains:

*“When it comes to advancing their interests, public-sector unions have significant advantages over traditional unions. For one thing, using the political process, they can exert far greater influence over their members' employers — that is, government — than private-sector unions can. **Through their extensive political activity, these government-workers' unions help elect the very politicians who will act as "management" in their contract negotiations – in effect handpicking those who will sit across the bargaining table from them, in a way that workers in a private corporation ..... cannot.***

**Consider that when forming your opinion!**

### **How Does Wisconsin's Offer to the Unions Compare With Federal Employees' Contracts?**

Recent reports indicate that what the Wisconsin Governor is offering public sector employees in Wisconsin is comparable to the bargaining rights enjoyed by federal employees.

Sounds reasonable to me! **Consider that when forming your opinion!**