Public Sector Unions Are Losing Their Clout

by Phyllis Schlafly

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Although the Republican Congress has been unable to roll back big government in Washington, a more optimistic record is being built in states with Republican governments. One remarkable success story comes from Alabama, where a federal appeals court has given the green light to a new law that will dilute the power of the teachers union in that state.

Unions of government workers, including teachers and other public school employees, are notoriously powerful as a political force in Democratic Party politics and at many state capitols. Nowhere was that more true than in Alabama, where the teachers union's long-serving lobbyist, who died last year, wielded more power over education policy than any elected official.

For 42 years the state's teachers union, the Alabama Education Association, was controlled by the late Paul Hubbert, who held the modest title of executive secretary but was generally understood to be the most powerful figure in the state capitol. Along the way he also served as state chairman of the Alabama Democratic Party and even ran for governor.

Some may be surprised that a union leader could be so powerful in a Deep South right-to-work state which boasts non-union automobile plants including Honda in Huntsville, Hyundai in Montgomery, and Mercedes-Benz in Tuscaloosa. Hubbert's power came from a state law that authorized local units of government, such as school boards, to withhold dues from teachers' paychecks and deliver that money directly to the union, where it could be used for liberal political purposes.

Hubbert used that power to build the AEA from 30,000 to over 100,000 dues-paying members, who gave Hubbert the budget muscle to spend more than any other lobbying group in the state. Witnesses say they often saw Hubbert watching legislators from the gallery, signaling to them how to vote, and the legislators he backed usually voted as he directed.

The dues checkoff system gave Hubbert an unfair advantage at the state capitol over groups representing parents and taxpayers, who had to rely on voluntary

contributions from their members. The AEA's reliable flow of government-collected dues money could be used to support liberal causes such as gay marriage which most Alabamians oppose.

Paul Hubbert's cozy relationship with the state legislature ended with the landslide election of 2010 when Republicans, for the first time in 138 years, gained a majority in both houses. Alabama's outgoing Republican governor, Bob Riley, called a special session at which the newly elected legislature passed Act 761 to repeal dues checkoff privileges for employees of public school districts.

Hubbert and his union were not going to accept this lying down. They filed a series of lawsuits aimed at getting the new law nullified, claiming that it somehow violated teachers' rights of free speech and freedom of association.

The AEA's most audacious legal maneuver was to subpoena and depose the governor who signed Act 761 and the legislators who voted for it, in order to bombard them with questions about their motives. The U.S. Court of Appeals for the Eleventh Circuit rejected that abusive demand, ruling that a centuries-old "legislative privilege" protects lawmakers from being sued or questioned for their actions in supporting or opposing legislation.

When Act 761 is fully in effect after the last legal obstacle is finally removed, AEA will probably suffer a sharp reduction in its revenue. That's what happened in Wisconsin after a similar law known as Act 10 was upheld by another federal circuit court.

Alabama teachers will then be free to join and support a professional organization such as the Association of American Educators (AAE) which provides liability protection without the poisonous divisive politics of the teachers unions. Even Democratic President Franklin Delano Roosevelt was opposed to the unionization of government workers who are protected by the political process and laws making them virtually impossible to fire.

More relief from public sector union power may soon come from the U.S. Supreme Court, which has already agreed to consider ending the current process for dues collection by public sector unions nationwide. With a victory in that case, government

employees couldn't be forced to pay for their union's political activities unless they affirmatively opt in to donate their money for that purpose.

Hillary Clinton has already picked up the presidential endorsement of the two largest public sector unions, the American Federation of State, County and Municipal Employees (AFSCME) and National Education Association (NEA). Public sector unions are giving Hillary the Democratic nomination for president, but fortunately courts are starting to curb their runaway political power.

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