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The ABCs of Dissent: Teachers' Unions and Influences upon Strategic Choice

DISSERTATION

submitted in partial satisfaction of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in Sociology

by

Amanda Beth Pullum

Dissertation Committee:
Professor David S. Meyer, Chair
Professor Belinda Robnett-Olsen
Professor Judith Stepan-Norris

2015
DEDICATION

For Shawn, who has traveled over 10,000 miles for me.
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Brooms up!

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ABSTRACT

The ABCs of Dissent: Teachers' Unions and Influences upon Strategic Choice

By

Amanda Beth Pullum

Doctor of Philosophy in Sociology

University of California, Irvine, 2015

Professor David S. Meyer, Chair

In 2011, state legislators across the United States introduced bills that sought to limit or revoke collective bargaining rights for all or most public sector workers. Simultaneously, state legislatures also considered bills to restrict or revoke tenure protections for public school teachers. As the largest group of organized public sector workers, many teachers saw these bills as threats against which to mobilize. However, in seventeen states, limitations on teachers’ collective bargaining and/or tenure became law that year. This situation provided a unique opportunity to examine the development of strategies within social movement organizations. In this dissertation, I use comparative case studies to determine why, in response to similar threats, unions in different states developed widely differing strategies. Drawing upon interviews with union leaders, members, and allies, as well as archival data and observations of union activities, I find that political opportunity factors, alliances, nature of the threat, resource availability, and public support were the most important influences in shaping these choices, and I devote particular attention to the first two factors.

In addition, I ask why most state-level teachers’ unions did not make use of citizen-initiated ballot tactics, despite their availability in most of the states where these laws passed. I
use qualitative comparative analysis (QCA) to identify two scenarios in which ballot tactics were not used. In states where unions are strong and there are allies in the legislature, the ballot is avoided through legislative compromise, but in states where unions are weaker and political contexts unfavorable, unions do not turn to the ballot because there is little perceived chance of winning. I conclude that scholars of social movements must devote more attention to the role of threats and alliances in strategic choice processes.
CHAPTER 1: INTRODUCTION

In February 2011, at the Wisconsin Capitol building, tens of thousands of state employees gathered with their supporters. They chanted, sang, and made speeches in opposition to a sweeping new bill that had recently been introduced in the state’s legislature. Arguing that reforms were necessary to solve the state’s budget crisis, Governor Scott Walker had unveiled a plan to cut public workers’ pay and benefits, and severely limit their capacity for collective bargaining (Davey & Greenhouse 2011). As the fight to defeat Governor Walker’s bill continued, activists occupied the Capitol building, where they stayed for three weeks, and held a near-general strike in Madison. Solidarity rallies organized by MoveOn and other allies were held in every state capital (Simon 2011).

Although Wisconsin unions’ fight gained more media coverage than similar battles elsewhere, Wisconsin was not the only state to limit or revoke public sector unions’ rights. Faced with budget shortfalls in nearly every state, and realizing that education spending makes up a large proportion of each state’s budget, legislators in 28 states soon introduced bills that purported to cut spending by curtailing—or eliminating—public sector unions’ collective bargaining rights, or by making it easier to lay off teachers through weakening or eliminating tenure (Gabriel & Dillon 2011). Ultimately, twenty state legislatures held floor votes on these bills, seventeen states passed laws to curtail one or both of these rights, and in an additional six states, teachers’ union members took action against similar bills that ultimately did not pass. These legislative actions caused teachers’ unions in multiple states to face very similar threats simultaneously.
Table 1.1: 2011 Laws Limiting Teachers’ Rights

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<th>Limit or Eliminate Bargaining Rights</th>
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How did unions respond to these legislative threats? Some protests at states’ capitol buildings drew several thousand attendees—approximately 8,000 in Indiana and Ohio, and, by some estimates, up to 100,000 in Wisconsin (Barbour 2011, Martin 2011, Sewell 2011, Wisniewski 2011). However, not every state’s teachers—or their allies—mounted such a large-scale, high profile responses. Many states’ unions held smaller rallies of several hundred to a few thousand protesters, a few took their arguments to the voters, and some do not seem to have made any concerted, public response to these potential threats at all. This dissertation explains how union leaders and members chose such differing approaches, adding to knowledge of social movement strategies that are less often studied: low-risk, relatively non-confrontational activism that doesn’t catch the media’s attention. I examine the various factors that influence strategic responses of teachers’ unions toward similar threats across multiple states, and I explain why teachers in different states choose different responses to largely similar threats—namely, limitations on collective bargaining or tenure rights. I find that the nature of the threat, the broader political context (such as right-to-work laws and current political alignments), and the
presence and nature of allies, are the most important determinants of strategic choice across these cases. These factors are closely connected, and they influence additional impacts on strategic choice, such as resource availability and public opinion. I argue that scholars of social movements must consider strategic choice as a process shaped by a wide range of factors external to the organization, and that scholars should refocus their attention on the role of threat and of coalitions, neither of which has been fully explored in studies of social movement strategy.

**Why Study Teachers’ Unions?**

Because unions in multiple states are facing similar threats within the same short span of time, this struggle between organized labor, state legislators, employers’ organizations, anti-union professional organizations, and other conservative groups (such as the American Legislative Exchange Council [ALEC]) provides an excellent study of strategic decision-making in social movements. Because the type and magnitude of threat are very similar across many states, this is an excellent opportunity to conduct comparative case studies and determine which variables, in addition to the nature of threat, play the greatest role in unions’ strategic choices. This study shows strategy development as an iterative process that is altered and refined in response to ever-changing political and other factors.

Teachers’ unions are ideal for studying very large organizations, with the NEA alone boasting over 3 million members, more than any other union in the United States, and the AFT (American Federation of Teachers) adding another 1.5 million. The federated structures of these very large unions make it possible to study their workings at multiple levels: national, statewide,

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1 ALEC is a conservative organization, made up of corporate representatives (including the Koch brothers) and conservative politicians, that crafts “model” bills which can then be introduced in state legislatures. These model bills may be found at [www.alecexposed.com](http://www.alecexposed.com). ALEC has drafted bills that limit tenure and that weaken public employees’ unions, including teachers’ unions; the organization may have created many of the legislative threats of interest in this study.
and local. In addition, the NEA and AFT are longstanding groups compared to many social movement organizations: the NEA was founded in 1857, the AFT in 1916 (although legal protections for teachers’ right to bargain collectively were not enacted until the 1960s), and such long legacies likely influence these organizations’ strategies today. Few other unions or SMOs offer the opportunity to study such large, long-lived groups.

Public employees’ unions, and teachers’ unions in particular, are perhaps the last bastion of labor unionism in the United States; while private sector unions continue to decline, public sector union density has increased in recent decades, and teachers have the highest unionization rate of any occupation (Bureau of Labor Statistics 2012). A study of teachers’ unions’ strategic choices, therefore, provides insight into why these unions have been particularly resilient against the decline of labor—a potentially valuable lesson for anyone interested in union revitalization.

However, my results are not limited only to unions. Unions, usually, are highly institutionalized and tactically conservative organizations. They sometimes engage in public protest, but most often unions work within existing political and social structures, using collective bargaining and workplace actions—organizing workers, asking members to make phone calls or write letters, wearing t-shirts or buttons to show solidarity, and sometimes escalating to threatened or actual strikes—to achieve their goals. In the legislative arena, unions typically rely on lobbying and engagement in routine electoral politics. In other words, like other SMOs, unions’ strategic plans center upon promoting or preventing social change (in this case, typically changes related to workers’ rights). Like other SMOs, unions’ strategic plans are a mixture of routine and non-routine political actions. And like other SMOs, unions face organized opposition, which takes the form of conservative politicians and organizations, as well as specifically anti-union groups.
In the following chapters, I develop comparative case studies of four states in which legislators passed highly restrictive, anti-union legislation, before turning my attention to a qualitative comparative analysis of all states in which laws restricting teachers’ collective bargaining or tenure protections were passed. I ask why unions in these states did not pursue ballot tactics for overturning these laws or removing unsupportive politicians from office.

In Chapter 2, I examine the existing literature on social movement strategy, paying particular attention to political opportunity structure and its relevance to strategic choice processes, as well as potential strategies unions may choose. Since I have thus far found no existing comparison of unions and their other SMO counterparts, I examine similarities and differences between the two types of organizations, especially as they relate to strategic choice. I conclude this chapter with a discussion of the methodology used in the empirical chapters of this dissertation.

Chapter 3 presents case studies of two right-to-work states, Idaho and Tennessee. I briefly compare the political contexts in these two states before turning to a description and analysis of the struggle over teachers’ collective bargaining rights in each state. In Chapter 4, I present case studies of Wisconsin and Ohio, two states without right-to-work laws. I discuss the role of both political conditions and alliances (or lack thereof) in these four battles.

Chapter 5 presents a broader analysis of all states in which limits to collective bargaining or tenure were passed in 2011. This analysis examines why more unions did not turn to the ballot box, as did unions in Idaho, Wisconsin, and Ohio, and it illustrates the importance of the political alignments and the nature of the threat in strategic choice processes. Finally, I conclude with a discussion of the interconnected nature of these influences on strategic choice, as well as the broader implications for social movements and for public sector unions in the United States.
CHAPTER 2: THEORETICAL AND METHODS OVERVIEW

In this chapter, I will begin with a broad overview of social movement strategy before focusing on existing literature on the role of threats in strategic choice. I draw heavily upon political opportunity theory, which has a complex relationship with studies of threat, as I will explain. Next, I discuss potential strategies that organizations may choose when faced with legislative threats, before focusing more deeply on initiative and referendum as potential tactics. I explain key differences between labor unions and other social movement organizations—a distinction that has thus far not been addressed clearly in scholarship on the labor movement. Finally, I provide an overview of the data and methods used in this research.

Strategy, Opportunity, and Threat

All movements exist in order to promote or prevent some sort of social change. Activists may want us to use fewer fossil fuels, pass legislation ensuring equal rights for minorities, stop abortions from taking place, or withdraw from military action, among countless other goals of previous and current social movements. Sometimes, activists take action with little advance planning, and those plans that do exist may be based as much (or more) on emotions and fears as on logic and cost-benefit analyses (Jasper 2008). Activists may also follow unspoken or assumed strategic plans, or they may rely on older plans—tried and true, comfortable, or in some cases outdated and in need of a makeover.

But whether based on emotions, logic, or some combination of the two, claims and tactics are often planned in advance. They may be the result of discussions by an organization’s governing body, meetings of grassroots community leaders, or a vote of the organization’s membership, for example. The defining characteristics of social movements—groups of people working in concert over a period of time, using public protest as one means to achieve a shared
goal—necessitate strategic planning. After all, large numbers of people cannot easily work together without clear short-term and long-term plans. Strategies are these “blueprints” or overarching plans that social movement actors develop and implement to try to get what they want (Meyer & Staggenborg 2007). They consist of claims, or what activists say they want; tactics, or the actions they take to try to achieve their goals; and venues, or the locations (such as the legislature or the ballot box) where tactics are played out. Strategic choices are constrained or supported by a number of factors, such as resource availability, internal organizational characteristics, emotions, and political opportunities. Strategy is also important for enabling a movement to respond quickly and intentionally to opponents’ actions, political shifts, or other changes; comprehensive strategic plans typically include contingency plans detailing what will be done in the event of multiple potential scenarios. While even strategically planned actions might not be the most advantageous, well thought-out, or successful options, they do provide movement participants with a single, shared blueprint.

Jasper (2004) applies game theory to construct a more formal model of strategy. Those who make choices are “players” who have a set of actions from which to choose, and they make these choices within arenas that determine which actions lead to which outcomes (p. 3). Players face a number of dilemmas or tradeoffs that complicate their decision-making, and these dilemmas may make multiple potential choices equally or nearly equally attractive. Scholars have wrestled extensively with the “free rider problem,” which may be seen as one such dilemma: activists try to mobilize particular populations, and their work often is intended to benefit a large group of people, but inevitably some people will benefit from the movement’s work without taking part in the movement themselves. This problem can complicate strategic decision-making if, for example, activists must choose between actions that directly advance the
movement’s goals but risk alienating potential members, and actions that make it easy for potential “free riders” to mobilize but do little to accomplish larger goals.

But how can we tell whether a plan or action is “strategic,” or a deliberate part of a long-term plan? Scholars often use this term to describe a movement’s actions, yet it is rarely defined. There is not a clear answer to this question within the literature on social movement strategy, but we can consider some possible solutions. One option is to examine the amount and nature of planning that went into the choice. This includes, for example, attention to the potential alternative plans that were available and considered. This definition also highlights activists’ agency in making strategic choices. But spontaneous actions can fit within strategic plans; if one of a union’s goals is to win wage increases, for example, relatively impromptu protests might occur in response to management’s unwillingness to include higher wages in a new contract.

Another option, then, is to analyze an action’s “fit” or role within a larger strategic plan. By definition, as I have discussed, a strategy is a plan for achieving a goal or set of goals. We can consider actions to be tactics within that plan to the degree that they are intended to help achieve the goal or goals. This definition leaves room for relatively spontaneous actions to be strategic, if they are clearly intended to further the larger goal. Actions that fail, or are less successful than activists had hoped, may also be strategic under this definition. In addition, activists still exercise a considerable degree of agency under this definition; they make strategic plans and devise tactics that further those plans. In other words, strategic actions are undertaken with the intention of contributing to a determined goal, and they are strategic to the extent that they are integral to the overarching strategic plan. Many strategic actions are carefully planned in advance, though this is not always true, and strategic actions do not always accomplish their intended roles in a larger plan.
But organizations often engage in rote repetition of previously used tactics, which may fit well within broader organizational plans but cannot be called “strategic” if they are simply deployed with little consideration of alternatives or possible adaptations. This dilemma highlights another facet of strategic action: it is devised through a dialectical process, in which activists revise their plans based upon changes in the opposition, failure, new political developments, or other criteria that influence activists’ interactions with targets, allies, members, and potential adherents (McCammon 2012). Strategic actions cannot be static, because political, cultural, and social contexts in which strategies are deployed are ever changing. Therefore, we can say that an action is strategic if it is clearly intended to fit within an overarching strategic plan, and if it is developed and changed in response to signals from the broader sociopolitical environment. This definition more explicitly encapsulates the tension between structure and agency: activists make strategic choices, but they do so within structural constraints, and in order to be “strategic,” activists must adapt to structural changes.

Moreover, even the most carefully planned actions are not guaranteed to succeed, so success or failure is not an indication of whether an action is strategic. Similarly, adaptation does not necessarily imply wisdom; activists may understand that a new approach is needed, but not have the knowledge or understanding needed to make an effective choice.

The importance of activists’ agency should be neither overlooked (Jasper 2004), nor overstated. I do not suggest that activists necessarily follow a set formula or algorithm when deciding upon strategy, although some do. Others, however, prefer to consider the information available to them and make what they consider to be the best choices based on their existing knowledge. This information includes consideration of political and structural constraints. But activists do not necessarily have complete information, contributing to an unclear or incorrect
interpretation of existing opportunities or constraints (Suh 2001). They may also make choices based on other sorts of influences, including emotions and spur-of-the-moment reactions to events. Finally, due to structural constraints, activists may find themselves with few choices, and their agency may be severely restricted. Flying a banner with a list of demands, for example, may not be feasible if a plane and pilot are not available, or if the target audience is located in a no-fly zone, as anti-gay activists found out when they wanted to fly such a banner in restricted airspace over Walt Disney World (Pearce 2014). In other words, activists weigh their options, consider their information, and make strategic choices, but they exercise their agency within structural contexts that they did not choose, and over which they have little or no control.

Activists may also make strategic choices that are ultimately not feasible, leading to an analytical distinction between strategic choice and events or tactical outcomes. Top-down leadership structures can result in strategic plans that do not garner members’ support, and therefore are not successfully implemented. While strategic decision-making likely occurs, the best-laid schemes of unionists may often go awry (to loosely paraphrase Robert Burns). Finally, activists may sometimes find their hands tied by one or more constraints, they may not see or understand their alternatives, or they may act without considering all possible strategic options. In these situations, there may only be a choice between acting and not acting.

Though strategies are necessary for all social movements, there is relatively little literature on social movement strategy. Similarly, there has not been a concerted effort to test or replicate most theoretical or empirical contributions; instead, scholarship on social movement strategy tends to “talk past” others’ work rather than engaging in a sustained dialogue. This means that we have a list of disparate and sometimes conflicting explanations of strategic choice, such as political opportunities (Alimi & Hirsch-Hoefler 2012), resource availability (Freeman...
1977), cultural contexts (Taylor et al. 2009), leadership characteristics (Ganz 2000), collective identity (Bernstein & Olsen 2009), emotions (Walder 2009), signaling and spillover from other movements (Meyer & Boutcher 2007), and more. We also see few efforts to mediate between them or examine these studies’ broader applicability. For example, Staggenborg (1998) argues that tactical choices are built on culture and communities of protest cycles, rather than political opportunities, and McAmmon (2003) finds that tactical change has more to do with internal organizational characteristics than political opportunities, but later, Rohlinger (2006) finds support for political opportunity explanations of strategic choices in the pro-choice and pro-life movements, as do Meyer and Staggenborg (2008).

Such disparities, of course, are to be expected in any body of academic research, but scholars have not done enough to examine the interactions of various influences on strategic choice, or the situations in which particular influences become more or less salient. In this dissertation, I seek to address these problems by evaluating the influence on strategic choice processes of several factors identified in the social movements literature.

We can think of numerous tactics that various social movements have historically tried. Some, especially those that did not achieve the desired outcomes, were not attempted again. Others, like the nonviolent march, are once-novel actions that have since become a routine part of the social movement society, and are now used by movements of the oppressed and privileged alike (Meyer & Tarrow 1998). Novel tactics, especially successful ones, can diffuse across social movement sectors and eventually become part of a shared “repertoire of contention” from which activists tend to select tactical choices (Tilly 1993). As Tarrow (1993) notes, tactical repertoires change slowly and activists tend to use ostensibly tried-and-true tactics rather than invent new ones; when innovation does occur, these new tactics are slowly refined and
developed into modular actions that can be deployed by other movements. Over time, the shared repertoire of contention has developed into a relatively sizeable toolbox, but movements are slow to add or use new tools. Studies of strategic choice processes are important in order to make sense of how activists choose from a seemingly large number of potential tactics. Ultimately, there are numerous constraints on strategy, and little agreement on how these constraints affect activists’ choices.

Despite the many influences on strategy that scholars have identified, threats are often overlooked in analyses, even as Jasper (2008) argues that “fear of some perceived threat is probably the most common reason for initiating strategic action” (p. 35). The nature of the threat that a group is facing—or, in other words, the grievance they wish to address—is a seemingly obvious and crucial factor in determining strategy, but one that has fallen out of favor with scholars of social movements. In recent years, researchers have largely argued that grievances are an overly simplistic explanation for why and how people mobilize. Scholars have assumed that there are always plenty of grievances among members of the public, and that “grievances and discontent may be defined, created, and manipulated by issue entrepreneurs and organizations” (Turner & Killian 1972, McCarthy & Zald 1977:1215). We know that grievances alone are not sufficient to explain mobilization, but they certainly do play an important role.

Political opportunity theory can offer some potential reasons why particular tactics might (or might not) be attractive. This approach argues that a movement’s actions are shaped by political factors external to the movement. Tarrow (1994) defines the political opportunity structure as “consistent — but not necessarily formal or permanent — dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure.” This definition captures a few important points about
political opportunity and strategy. First, activists evaluate political opportunity structures; they take stock of the political world around them and make decisions based upon it. Sometimes, they miss opportunities or interpret political conditions poorly (Sawyers & Meyer 1999, Snow and Soule 2010). And second, they make choices about whether collective action is effective at all. Taking no action may in itself be the best strategy available (Rohlinger 2006). Activists make these decisions in the context of specific goals; tactics, and political opportunity influences on these tactics, will vary depending on the goal in question (Bernstein 2007).

McAdam (1996) identifies four dimensions of political opportunity structure: the relative openness or closure of the political system; the stability or instability of elite alignments; the presence or absence of elite allies; and the state’s capacity and desire for repression. While referring to a “structure” implies that political opportunities are largely unchanging, this is not the case; some aspects of political opportunity structure are more changeable than others (Suh 2001). Elections, judicial decisions, and the passage of new laws are all events that may increase or decrease political opportunities for a social movement. Political opportunity structure can be changed through both routine politics and social movement activities, but some factors (such as the state’s capacity for repression) are less changeable than others.

According to Almeida (2003: 347), threat is “the probability that existing benefits will be taken away or new harms inflicted if challenging groups fail to act collectively.” Early versions of political opportunity theory acknowledged that threats, in addition to opportunities, can lead to protest activity (Snow et al. 2005). But McAdam, Tarrow, and Tilly (2001) argue that one of the shortcomings of more recent political opportunity theory scholarship is its focus on opportunities, not threats. When threats are discussed, they are often lumped together with political opportunities and treated as analytically similar (see Koopmans 1999).
This lumping overlooks important differences between threats and opportunities. Threats place a movement on the defensive, necessitating “damage control” and bolstering of activists’ emotions (Blee & Currier 2006). But threats also make issues more salient, which may lead to increased mobilization (Van Dyke & Cress 2006). Failure to take advantage of a potential opportunity may result in no progress toward the movement’s goals, but failure to respond to threats can result in new harms or a loss of earned benefits. Threats, in other words, are analytically distinct from either opportunities or loss of opportunities.

Some researchers have responded to McAdam and colleagues’ call for a greater focus on the role of threat in mobilization, particularly in contrast to the much-studied role of opportunities. Martin and Dixon (2010) note that the scholarship on threat currently focuses primarily on political repression, but their analysis demonstrates that other economic and political changes also constitute threats to social movements, and different organizations pursue different responses to similar threats. Outright repression is only one type of threat that movements face. A threat, then, can be conceptualized more broadly as a development, either internal or external to a social movement or organization, that activists deem harmful to the movement’s work or its survival.

Threats may include relatively long-term structural shifts (Van Dyke & Soule 2002) as well as more sudden and immediate events. Threats and opportunities can occur simultaneously, but broader political climates have varying degrees of openness or closure to social movement actors. Formerly open political systems can close, or vice versa. Social movements that develop networks, accumulate resources, recruit members, or build organizational infrastructure during times of opportunity are able to use these tools to respond in times of threat (Almeida 2003).
If we return to Jasper’s quote, however, we see that he refers to *perceived* threats (Jasper 2008:35). This distinction warrants further discussion. Activists’ actions depend on their perceptions of political opportunities (Kurzman 1996, Suh 2001); likewise, they also depend upon perceptions of threats. There is a potential gap between the extent to which activists view a particular development as a threat, and the extent to which that development could actually harm the movement. This means that while activists can and do make accurate evaluations of threat and risk, they sometimes perceive harmless events as threats, or harmful events as innocuous, or they may miscalculate the scale and scope of a threat.

**Alliances and Coalitions**

The presence or absence of allies—sympathizers who are not affected by proposed legislation, other unions or organizations that are also facing threats, or actors such as political elites (especially those whose positions might be threatened by union decline)—may be key to some unions’ strategic decisions. I have already discussed briefly how threats influence choices made within one organization, but threats also influence interactions with allies. Activists tend to respond to threats by creating new alliances, publicly cooperating with allies, and focusing on coalition work to advance their goals (Rohlinger 2006, Van Dyke 2011).

It is threats, rather than opportunities, that lead to coalition formation, building upon networks created during times of opportunity (McCammon & Campbell 2002; Almeida 2003). However, these coalitions are used to further individual organizations’ media and political goals, reminding us that even in times of crisis, allied organizations maintain divergent strategies and identities (Rohlinger 2006).

External threats, especially to previous gains, tend to lead to inter-organizational coalition formation within a movement (Staggenborg 1986). Moreover, previous research has shown that
while localized threats inspire alliance formation within a movement, more generalized threats that affect multiple groups lead to broader, cross movement-alliances (Van Dyke 2011). Lopez (2004) argues that successfully framing claims in broad social justice terms, rather than as simply workplace debates, helps attract supportive allies, such as community or religious organizations. Legislation that threatens a narrow range of workers may be harder to frame in this way.

**Fighting Legislative Threats**

The process by which a bill becomes (or doesn’t become) a law is rigidly structured. Legislators first listen to policy demands, which may come from activists or other constituencies. Then, a bill based on these demands is introduced in the legislature. After being read, it is sent to committee. If the committee recommends a vote, the bill is sent back to the full legislative chamber for further readings and a vote. If the bill passes, it must go through the entire process again in the other chamber (except in Nebraska’s unicameral legislature). If both legislative chambers approve the bill, then any differences in the bill’s text that may have been introduced between the two chambers must be reconciled. Then, the bill is sent to the governor (or president, at the federal level), who will sign or veto the bill. If it is signed, it becomes law; if it is not signed, legislators may attempt to overturn the veto. Finally, if the bill ultimately becomes law, resources must be dedicated to its enactment and enforcement.

There are multiple stages in this process in which policy may reflect responsiveness to demands from activists or other citizens (Schumaker 1975, Soule and King 2006). However, activists have more influence at the beginning of the legislative process than at the end (King et al. 2005). Their actions can persuade at least one lawmaker to draft and introduce a bill, but it is
more difficult to persuade the majority of lawmakers to vote in a particular way or to ensure the new law’s full implementation and enforcement.

**Potential Strategic Options**

When faced with a threatening law, activists have several options. First, they could do nothing. Doing nothing may happen because activists are unaware of the threat, but SMOs typically pay close attention to potential laws that might help or hinder their cause. It may also happen because the SMO does not have the resources to put up a fight. But an SMO might decide not to take action for other, more intentional reasons: the bill might have little legislative support and be deemed unlikely to become law, or activists may deem its effects too small to justify a protracted fight.

Second, activists could lobby lawmakers to reject the bill, or seek a compromise. Large SMOs typically have lobbyists on staff already, and efforts to persuade lawmakers to vote in the movement’s favor are usually ongoing. Activists who have access to lawmakers will try to use this access to the movement’s advantage.

Third, activists may engage in public protest: rallies, marches, civil disobedience, or other events held in public spaces. These events serve many purposes: they disseminate the movement’s framing of the problem (Cress & Snow 2000), demonstrate that large numbers of people care about it (Tilly & Wood 2012), attract media attention, energize members and develop their sense of collective identity, and more. Large-scale protests or acts of civil disobedience might also inconvenience legislators, making it harder for them to pass objectionable laws. But most people don’t protest if they see other, easier ways of getting what they want (Meyer 2007), so organizations must carefully frame grievances to persuade supporters to act.
These are all tactics that can be used before a bill becomes law. But if, despite activists’ best efforts, the law is passed, there are still some options available. Again, activists could do nothing, letting the law stand unchallenged. They may decide that its consequences are tolerable, or at least not worth the resources it would take to mount a challenge, or those resources might not be available. And they may deem a response too risky, fearing perverse outcomes of their actions.

Activists may also choose to challenge the new law in court. Court challenges require only legal counsel, a suitable defendant, and the time and money to see the case through. Following the *Brown v. Board of Education* ruling, judicial tactics became increasingly common among activists who interpreted the decision as a signal of the Court’s willingness to step in on the side of civil rights, when the legislature refused to do so (Meyer & Boutcher 2007). This spillover of judicial tactics across movements, however, has had some negative consequences. Though some movements have had great success in the courts, *Brown* was not a guarantee that the Supreme Court would reliably act to protect rights. Further, few cases are ultimately heard by the Supreme Court, but judicial challenges often involve several rounds of appeals (no matter who wins). Unless an injunction is granted, the law will be in effect while the case is in court. Further, an unfavorable ruling may be a fate worse than failure; a judicial precedent against the movement’s interests may be established, activists’ morale could suffer a serious blow, and lawmakers may see this as good cause to pass even more harmful laws.

For modern U.S. unions in particular, militance is rare and is a last resort to defend against threats, which push unions to radicalize (Martin and Dixon 2010; Almeida 2003). In the case of the labor movement, a strike is an example of a highly militant action, and a strike has the potential to be highly disruptive. This potential for disruption means that even the threat of a
strike can be an effective bargaining chip. But teachers’ unions are legally prohibited from striking in most states, and elsewhere, teacher strikes are typically allowed only in narrowly defined circumstances. Wildcat strikes, however, do occur.

Ballot tactics, on the other hand, are sometimes but not always politics as usual; they are institutionalized methods of bringing about political change, and unions often participate in routine electoral politics. Using routine electoral tactics, activists could campaign for an opponent’s challenger, hoping that the successor will work to repeal objectionable laws and pass legislation that benefits the movement. But some states also offer ballot initiatives, in which members of the public can petition to place a question on the ballot, or veto referenda, allowing activists to ask the public to reject a harmful law. And recall elections are, in some states, a possibility; activists may be able to demand a special election to try to get opponents removed from office prematurely.

**Initiative and Referendum**

Large-scale direct democratic processes have a long history in the United States. These forms of democratic participation were central to strategic plans in three of my case study states, and were potential tactical choices in many others. Direct democracy also has a strong tradition within the National Education Association, whose annual Representative Assembly is the largest deliberative democratic gathering in the world (National Education Association 2013). However, U.S. direct democratic processes warrant further discussion here, since these procedures are not necessarily familiar to all readers.

Some form of initiative and referendum process has existed in what is now the United States since the 17th century (Waters 2003). Colonists in New England held town hall meetings in which citizens could vote on new laws; this direct democracy eventually developed into
legislative referendum processes, in which elected officials place questions on the ballot for public approval. When constitutions were later drafted for the new states, both Georgia and Virginia considered forms of legislative referendum in their constitutions, but neither was included in the final draft. However, both New Hampshire and Massachusetts held popular votes to ratify their constitutions, and several other states later followed suit. The U.S. Congress finally made legislative referendum processes mandatory components of new states’ constitutions beginning in 1857.

The Populist and Progressive movements of the late 19th and early 20th centuries, however, saw citizen-initiated electoral processes as the key enacting reforms without the support of unresponsive state legislatures. They began campaigning for constitutional amendments that would allow popular referendum processes, bypassing state legislatures by allowing citizens to place questions directly on the ballot. Nebraska was the first state to ratify such an amendment in 1897; other Midwestern and Western states soon followed.

Not all states’ voters approved these constitutional amendments. In 1914, voters in Wisconsin were asked to vote on the legalization of ballot initiatives. Fed up with a recent slew of reform efforts, and at the urging of both parties’ leaders, Wisconsinites rejected all ten proposed constitutional amendments—including one that would have given them the right to a statewide I&R process. Also in 1914, a proposed constitutional amendment for I&R in Texas would have required the collection of signatures from 20% of the electorate, far more than was required in other states (I&R Institute 2009). Texans rejected it. The Texas Republican Party tried again in 1980, placing an I&R question on their primary ballot, where it was highly successful. But when George W. Bush was elected Governor, his opposition to I&R led to its removal from the party’s platform (Schmidt 1989).
Today, legislators in all states may ask the public to approve new laws, and in all states except Delaware, constitutional amendments must be approved via legislative referendum. Popular initiative and referendum procedures, which allow citizens to place questions on the ballot without legislative approval, are found in 34 states, including almost all states west of the Mississippi, reflecting the Populist movement’s agrarian focus and strength in the West. Some states, like California, frequently have several initiatives on the ballot, while in other states, I&R processes are rarely used at all.

I&R processes vary across states and localities, but generally, they require approval of the proposed ballot measure by the state’s Attorney General, followed by obtaining signed petitions from a specified percentage of the electorate within a certain period of time. Those petitions are delivered to the Secretary of State, who will count and verify the signatures. If these provisions are met, the measure will be put before the voters.

The veto referendum is a specialized type of voter-initiated ballot measure that asks voters to ratify or reject a law that has been passed by the legislature. Due to variation in state laws, not all activists have veto referenda as potential tactics. In addition, ballot measures require a specialized set of resources: a large pool of volunteers (or sufficient financial resources to hire paid signature-gatherers) who can gather a large number of signatures in a short period of time in order to put the referendum on the ballot; knowledge of the legal and legislative structures governing the particular state’s I&R process; and money and media savvy necessary to sway voters to the activists’ cause.

In recent years, a wide range of social movement goals—from banning same-sex marriage, to legalizing marijuana, to making it harder to raise taxes, have been achieved through the ballot. Not all of these victories, however, have been long lasting; the courts, for example,
later overturned California’s ban on same-sex marriage. Additionally, there is always the possibility that a state legislature will revisit provisions of a bill that voters have rejected, as was the case in Idaho following the Idaho Education Association’s successful ballot campaign against a set of bills threatening teachers’ collective bargaining, tenure, and other concerns related to public education.

Involvement in electoral politics is already part of many large SMOs’ repertoires of contention (Tilly 1986), and unions are no exception. Anti-abortion activists have asked voters to define life as beginning at conception. Opponents of same-sex marriage were extremely successful in passing laws in most states that defined marriage as the union of one man and one woman—though the courts have overturned many of those laws. SMOs routinely endorse candidates for office and expend their resources to get sympathetic politicians elected. In other words, being heavily involved in a political campaign is a familiar situation to leaders of unions and other large social movement organizations.

Voss and Sherman (2000) argue that unions innovate in times of internal political crises that result in new leadership. It’s rare for activists to invent completely new tactics, given the many types of actions that have been tried by movements throughout history and around the world. “New” tactics are more often innovative adaptations of old ones, repurposed for a different movement or setting; we can see the roots of Occupy’s tactics in earlier sit-ins, for example. Instead, it makes more sense to consider tactical innovation as the use of tactics that are new for a particular movement or SMO. Initiatives, referenda, and recall are not commonly used by unions, and are therefore tactical innovations for these organizations.

Of the 21 states where legislators held at least a floor vote on bills threatening teachers’ collective bargaining or tenure rights, four—Idaho, Wisconsin, Ohio, and Michigan—used ballot
tactics to fight against bills threatening teachers’ unions in 2011. In Idaho and Ohio, these efforts were successful. The Idaho Education Association teamed up with a group of parents and other community members to win a citizens’ veto of three education-related laws, which—among other provisions—limited collective bargaining rights, enacted merit pay for teachers, and eliminated tenure for K-12 teachers. But the state’s legislature later reintroduced some of the provisions of these bills, and was able to pass some of them into law. In Ohio, a large coalition made up almost entirely of unions led the effort to overturn Senate Bill 5, a broad bill that severely restricted public employees’ collective bargaining and phased out K-12 teacher tenure.

Wisconsin’s unions, however, did not have a veto initiative available. Instead, after Act 10 passed, recall efforts began against several elected officials. Although a few Republican state legislators lost their recall elections, these efforts were unsuccessful at shifting the partisan balance of the state legislature or removing Governor Scott Walker from office.

Michigan’s unions and their supporters, fearing potential legislative attacks, also took to the ballot box, though their electoral efforts were a pre-emptive tactic against a bill that hadn’t been introduced. Proposal 2 on the 2012 ballot would have added protection for collective bargaining rights to the state Constitution. However, the measure was defeated, and Michigan’s legislature went on to pass right-to-work legislation in December 2012.

Why might activists take to the ballot box? First, veto referenda may provide a way to keep a law from taking effect immediately, as was the case in Ohio, or to make an anticipated law unconstitutional, as Michigan’s unions tried to do. Second, even a successful petition drive sends a strong message about the movement’s level of support, and activists may use both the petition drive itself and the delivery of signed petitions as opportunities to persuade prospective supporters, send a message to lawmakers, and attract media attention. This public attention
appeals to supporters and forces opponents to respond—or, as Camp (2008) puts it, “mobilizes the base and embarrasses the opposition.”

Third, activists may not see any other, preferable strategies. The veto referendum is used when other tactics have failed, and a threatening piece of legislation will become law. So at the point when a ballot strategy becomes a possible choice, unions have (or believe that they have) exhausted all other possibilities. They may have already tried lobbying, protest, striking, or other alternatives. Along with lawsuits, the veto referendum is a last ditch effort to keep a law from going into effect. Indeed, lawsuits may be used in conjunction with ballot strategies, especially given that a large SMO likely has legal counsel on retainer already.

Finally, activists tend to pursue strategies that make use of resources already at their disposal, as it is particularly costly to try to acquire new resources for new strategies (Edwards & McCarthy 2007). Resources are not limited only to money, though money is easily the most fungible resource; it can be used to rent office space, hire consultants, buy ads, and much more. But money can only indirectly be used to acquire some other, non-tangible resources. Large numbers of supporters might respond to advertisements, but they cannot directly be bought (at least, not if a movement wants to avoid accusations of “astroturfing”). Positive reputation can be built in a number of ways, but it cannot be purchased.

Both the types and amounts of resources that the union can access will have an influence on the strategies that the group can pursue. Although we often think in terms of monetary resources, groups may have access to other resources, such as technical or legal knowledge. An organization’s structure influences its capacity to gather and mobilize resources (McCarthy & Zald 1977), and unions are often highly institutionalized, bureaucratized groups that likely have fewer difficulties in obtaining resources than do their less established social movement cousins.
While ballot campaigns are expensive, teachers’ unions are typically affiliated with either the National Education Association or the American Federation of Teachers, both of which are large, national unions that can contribute financial and staffing support. State-level teachers’ unions themselves are often massive organizations, sometimes with hundreds of thousands of members, constituting a large pool of potential donors or volunteers. Teachers’ unions may also work in coalition with other unions, especially other public employees’ unions, that may also provide resources; AFSCME, CWA, and the AFL-CIO each gave $1 million or more to the anti-SB 5 campaign (Ballotpedia). And the knowledge of how to engage in the electoral arena more generally is already available to unions, which already endorse candidates and campaign for or against particular issues.

It seems simple enough to explain the use of ballot tactics as a last-ditch option for getting rid of unfavorable legislation, or putting new legislation into effect. In either case, the legislature has failed to do what activists want, either passing an undesirable law or failing to pass a desired law, and ballot campaigns give activists a way to bypass an unresponsive state legislature. But there are compelling reasons for avoiding the ballot box as well. Ballot tactics are expensive, time-consuming, and dependent upon widespread popular support in order to succeed. Drawing from resource mobilization theory, it’s possible that unions did not believe they had the resources—such as time, money, or volunteer labor—to launch a successful ballot campaign (McCarthy & Zald 1977). Activists dedicate their resources toward efforts that they expect will advance the cause, and they may feel that other tactics are a better use of those resources.

Moreover, ballot campaigns can be risky. While a ballot campaign carries the potential for a clear-cut defeat despite a large investment of resources, movement victories may also have
pervasive outcomes, or unforeseen negative repercussions (Bernstein 2007, Giugni 1998). Unions may fear either defeat or unintended consequences. They may also see electoral tactics as not providing immediate relief—after all, an election may be many months or even years away.

**Determinants of Strategy: External Factors**

Activists’ interpretations of whether particular circumstances represent a political opportunity or a threat can play a large role in their strategic choices (Blee & Currier 2006). *Not taking action against potential threats may also be a strategic choice. The decision to take no action may be influenced by several actual or perceived risks, drawbacks, or obstacles. For example, activists may feel that the expected benefits of action do not outweigh the magnitude of a potential threat or the possibility of significant backlash; they may be hindered by a lack of resources or political opportunities; or they may be unable to agree amongst themselves or with their allies on whether to act or what action to take. Silence, or choosing to take no action, can have strategic advantages for activists; it may, for example, distance an SMO from its more radical cousins (Rohlinger 2006).*

Political opportunity theory also suggests that differences in the party composition of each state could result in each state’s unions employing different strategies. Right-to-work laws may complicate mobilization and reflect political contexts in which legislators are less willing to listen to unions’ claims. In some states, laws that ban teachers’ strikes limit teachers’ unions’ political repertoires by removing a potential set of tactics (or at least, the threat of using that tactic), although wildcat strikes or “sickouts” may still occur without formal union authorization or support.

Political opportunities may themselves be changed as a result of or in response to activists’ actions (Meyer 1993). The political context within which activism occurs is not static;
it is constantly being redefined by the passage or abolition of laws, the rulings of various courts, the election or appointment of new officials, and other actions. Political elites may be counted among a union’s friends or foes, but they can also create new policies that open or close political opportunities. Just as activists respond to the actions of elected officials, so do elected officials respond to the tactics that activists employ.

**Determinants of Strategy: Internal Factors**

Factors internal to each state’s union, such as the ideology and organizational structure, may also influence strategy. We already know that some unions espouse more militant ideologies than do others, and activists’ sense of “who we are” influences the set of strategies and tactics that organizations deem acceptable (Polletta and Jasper 2001). However, the relationship between ideology and strategy is complex, and “shared ideologies do not necessarily result in shared ideas about strategy and policy” (King 2008). Further, as previously mentioned, sometimes unions and their members see their roles only as organizing workers, negotiating collective bargaining agreements, and addressing grievances; they may not feel that further political action is needed or is something that the union should pursue.

Ganz (2000), in his discussion of “strategic capacity,” discusses several internal organizational variables that influence the extent to which the group develops effective strategies. Variation in strategic capacity largely stems from characteristics of the group’s leadership and organizational structure. Leaders’ life experiences, access to relevant networks, and knowledge of tactical repertoires all influence the development of strategy. Organizations that use open, deliberative decision-making processes and mobilize resources from a wide range of sources have greater strategic capacity, and the manner in which leaders are chosen influences the skills and knowledge that they bring to the decision-making process.
But a common problem in both social movement studies and popular discussion of social movements is an overemphasis and unclear definition of social movement “leaders”. For example, Ganz (2000) states that “popular accounts of effective strategy attribute it to the charismatic gifts of particular leaders rather than offering systematic explanations of conditions under which leaders are more or less likely to devise effective strategy” (p. 1009). This passage highlights several problems in discussing strategic choice processes. As Ganz notes, a movements’ influence or success is often publicly attributed to one charismatic leader, such as Martin Luther King, Jr., Rosa Parks, Mahatma Gandhi, Harvey Milk, or many others we could name. But although there is no doubt that these individuals did great things for their respective causes, we know that activists also present revised accounts of movement origins and actions, attributing particular importance to events or people that lend themselves well to desired depictions of the movement’s past (Armstrong & Crage 2006, Meyer & Rohlinger 2012). Such oversimplified tales can ascribe near-mythical status to one individual’s leadership qualities, which both downplay that person’s shortcomings and erase the contributions of countless others whose work was instrumental to the movement’s success.

But Ganz does not challenge scholars’ overreliance on leadership, or popular definitions of who constitutes a leader. Most of us would agree that people elected to formal positions within an organization can be considered leaders, and many would also agree that those in paid positions of power within a group are leaders as well. But what of grassroots leaders? Robnett (1996), for example, illustrates the importance of “bridge” leaders—people who are not part of formal organizational leadership, but nevertheless play indispensable roles in connecting SMOs to their constituents and potential members.
This overreliance on leadership as an explanatory factor also assumes that all strategic choices are top-down. Sometimes, strategic choices are made at the “top” and disseminated to members, but many organizations make at least some effort to involve rank-and-file members in decision-making. In addition, strategic choices may also be made in collaboration with allies, community partners, or others with a stake in the matter at hand. To understand strategic decision-making processes, we must look beyond top-down models and popular conceptions of leadership by the few.

Unions’ organizational structure may vary across states, and previous research tends to suggest that strategic innovation is most likely in nonhierarchical, decentralized organizations (McCammon 2003; Staggenborg 1989). Staggenborg finds that “a primary source of innovation, it seems, is decentralization. A decentralized structure allows rank-and-file participants to contribute to the development of organizational strategies and tactics; innovative projects are generated by activist enthusiasm and interests” (p. 89). McCammon summarizes the driving forces behind strategic change in the women’s suffrage movement as “diversity, decentralization, and divisiveness within the movement and defeats in the larger political environment” (p. 810).

In addition, scholars point to movements whose membership includes a diverse range of organizations, members, and constituents, as being most able to engage in strategic innovation (Andrews 2004). Further, bureaucratic organizational structures and leadership hierarchies geared toward a “servicing” model of unionism ultimately hinder responsiveness and capacity for effective strategic choice (Ganz 2000; Lopez 2004). As Staggenborg noted, these organizational structures can make it difficult to generate rank-and-file enthusiasm and engagement.
States vary in terms of their history of union activity and strength. Some states have strong traditions of union militancy, either in general or in one or more particular occupations. Some unions, too, have more militant tendencies than others—the NEA was founded as a professional organization, and today views itself as both a professional organization and a union, while the AFT has always advocated collective bargaining and worker protections for teachers. In addition to both groups’ efforts to improve the quality of education and the teaching profession the NEA prides itself on its legacy of social justice activism, such as advocating for racial equality in education, while the AFT highlights its efforts on behalf of workers’ rights (AFT 2012, Holcomb 2006). This is not to say that the NEA does not care about workers’ rights, or that the AFT has no interest in social justice; rather, each union chooses to frame its claims and highlight its major concerns in these ways, and those choices are influenced by each group’s ideological history.

Some states have professional organizations that are intended to rival unions, and less politically minded teachers may self-select into these organizations rather than into unions. The largest of these rival groups is the Association of American Educators (AAE). The AAE claims to be anti-union and apolitical, and according to its website, the group “does not spend any of our members’ dues on partisan politics, nor do we support or oppose controversial agendas unrelated to education” (“About Us” 2012). The AAE counts the NEA as its primary rival, dedicating part of its website to addressing NEA arguments opposing the group. For its part, the NEA has prepared a list of rebuttals to “So-Called ‘Professional Educator’ Organizations,” that specifically addresses the AAE’s claims (NEA). Other competing organizations are not affiliated with AAE; for example, the Kentucky Association of Professional Educators was founded “to offer teachers in Fayette County [Kentucky] an alternative to KEA/NEA“ and
opposes “the agency shop, exclusive recognition, binding arbitration, strikes, and the other procedures of industrial collective bargaining” ("Kentucky Association of Professional Educators" 2011).

Finally, access to resources may limit or change the strategic options available to an organization. Both the types and amounts of resources that the union can access will have an influence on the strategies that the group can pursue. Although we often think in terms of monetary resources, groups may have access to other resources, such as technical or legal knowledge. An organization’s structure influences its capacity to gather and mobilize resources (McCarthy and Zald 1977), and unions are often highly institutionalized, bureaucratized groups.

Prospect Theory and Strategic Choice

Prospect theory provides one way of making sense of seemingly illogical choices. A “prospect” is an event with an uncertain outcome, like a lottery. Kahneman & Tversky (1979) found that individuals tend to prefer sure gains to riskier propositions with the potential for larger gain, but they also prefer to take risks that may result in smaller losses instead of accepting a relatively larger loss. Additionally, people tend to overestimate the likelihood of unlikely events. This explains, for example, why many people choose to lose $1 on a lottery ticket, in exchange for a small probability of gaining a much larger sum.

Tilly (1978) echoes the same logic: people tend to value keeping what they already have over gaining new benefits. This is one explanation for why unions might not “pull out all the stops,” using every possible tactic to prevent moderate or major losses. The anti-union bills passed in 2011 stripped away some benefits won by labor, but left others intact; unions may have chosen to focus on protecting what they already had. Especially in states where unions are weak and voters tend not to support labor’s candidates and causes, labor leaders are likely more
concerned with protecting past gains rather than engaging in long-shot campaigns that might do more harm than good.

Conversely, people will take risks to minimize losses. This means that we should expect to see some long-shot electoral campaigns. One could argue that the Wisconsin recall of Governor Scott Walker was such a campaign: there was relatively little enthusiasm for his challenger, and the recall of an individual does not focus on a single issue like a veto referendum does. Wisconsin’s unions and allies devoted a large amount of money and time to this campaign, but the potential reward was huge: the removal of a stridently anti-union governor from office. But recall itself involves a degree of uncertainty. Voters are asked to remove from office a politician, whose work may be highly unpopular, and replace that person with a challenger. That challenger is an unknown: voters cannot predict whether their performance in office will be better or worse than the alternative. Wisconsin’s voters chose the certainty of keeping Walker in office.

**Comparing Labor Unions and SMOs**

Labor union locals have some similarities to social movement organizations (SMOs), but there are also some important differences. First, both locals and some SMOs are branches of larger organizations, and both attempt (as either a primary or secondary goal) to promote or prevent social change on particular topics. Membership in a union local is limited to individuals in a specified career field, although the same union may organize many different occupations; the AFT, for example, has locals for other public employees and for healthcare workers as well as K-12 teachers. Unions’ claims may be relatively narrow workplace issues, broader workers’
rights concerns, or overarching social justice topics, but rank-and-file members may agree on little except the desire to have the union bargain collectively on their behalf.

Union members may not support the union’s political involvement, and the U.S. Supreme Court has limited public sector unions’ ability to use dues for political purposes (see *Lehnert v. Ferris Faculty Association* [1991], *Communications Workers of America v. Beck* [1988], *Davenport v. Washington Education Association* [2007]). Nonmembers must pay only for collective bargaining-related costs (and in right-to-work states, they do not have to pay the union at all), and union members who object to the union’s political activity may demand a refund of the portion of their dues that do not pay for bargaining costs. In return for their dues, workers who are part of a bargaining unit receive certain services from the union, especially representation via collective bargaining. In many unions, this creates a “servicing” mentality among members, who see their union dues as paying for services received; such members may resist participation in rallies or other rank-and-file tactics, feeling as though they have already paid for action to be taken on their behalf. In summary, union members do not necessarily share the union’s political views, and may hinder unions’ activism by withdrawing financial support, or be reluctant to participate in political action. Therefore, unions are under considerable pressure to represent the interests of members both in the workplace and in the political arena, and members’ interests may be quite diverse.

Social movements, on the other hand, typically consist of a group of members who share a goal concerning at least one issue, though they may disagree on many aspects of how to achieve that goal. Unlike unions, which may limit membership based on occupation, SMOs generally accept any members who support the goals of the organization, and SMOs may ask for

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2 Occasionally, they may not even agree on that much, not to mention the fact that unions exist in non-bargaining states as well (Hodges & Warwick 2011).
donations yet not require payment for membership. SMO members can end their membership at any time, but workers who leave the union still work under the collectively bargained contract, and in states without right-to-work laws, they may still have to pay fair share fees. Some SMO members may do little more for the cause than donate a few dollars or sign an online petition, but public protest is the cornerstone of an SMO’s work.

A union that has won NLRB certification has a legal obligation to bargain on behalf of those workers, but usually social movements have few or no legal obligations to donors or members. However, both unions and movements face demands and expectations from many groups. While SMOs must answer to the demands of multiple groups, such as rank-and-file members and wealthy donors, teachers’ union locals face arguably more pressures—from parents, communities, school officials, union members, employers, and more.

Both unions and movements have available to them a variety of potential tactics, from urging members to write or call elected officials, lobbying, and even leading electoral campaigns, to extrainstitutional efforts such as protests, rallies, and sit-ins ranging in size from a few hundred to thousands of participants. They may appeal to sympathetic others, such as parents or community members in the case of teachers unions. Members of both types of organizations may be hesitant to participate in high-risk activism; the union and its members often prioritize protecting teachers’ jobs and will choose tactics that, in their view, maintain a professional image.

But there are exceptions. Unions—in theory, at least—count the strike as a vital strategic tool. The strike itself constitutes a tactical repertoire that is both unique to the labor movement and a cornerstone of labor activism (Beckwith 2000). However, laws or contract clauses may prohibit unions from striking, either at all or during specified times, and beginning in the 1970s
and 1980s, both the frequency of strikes and the number of striking workers has declined dramatically (Chaison 2006). Private sector workers who strike risk being replaced with “scabs,” while teachers often do not have the right to strike at all, as is the case in both Idaho and Tennessee. Workers who cannot strike, however, sometimes choose to engage in unauthorized “wildcat” strikes even in states that have outlawed the tactic, risking potential legal repercussions. For example, teachers’ strikes are illegal in Washington, but despite a court order to return to work, teachers in Tacoma, WA went on strike for 10 days in September 2011 due to the inability of the union and school district to reach a contract agreement workers (Valdez 2011). Wisconsin’s Madison Teachers Inc. members held a wildcat strike over Act 10, which garnered widespread labor support and resulted in a near-general strike in Madison.

Social movements also face legal restrictions on the types of tactics they may use, although some movements do engage in illegal protest activities. However, federal and state laws place even greater restrictions on unions’ tactics, such as the previously discussed limitations on teachers’ strikes. Laws may also limit unions’ potential claims, and labor unions may only be allowed to bargain over certain issues. Limitations on bargaining topics were a key issue in Idaho, as well as in many other states in 2011.

Because teachers’ capacity to strike is legally limited, teachers’ unions may also employ the institutional and extra-institutional tactics commonly used by other social movements and labor unions. Some of these tactics, such as emailing elected officials, are quite non-confrontational, and routine political tactics are unlikely to attract media attention; however, some electoral tactics are less routine. Both unions and social movements endorse sympathetic political candidates, and may engage in “get out the vote” drives or contributions to candidates (almost always Democrats, in the case of the NEA and AFT). But they may also put forward
their own candidates for office, or place propositions on state ballots. Unions may also use extra-institutional, direct action tactics, such as marches and sit-ins. These are commonly associated with social movements, but have their roots in the labor movement; the International Workers of the World (IWW, or “Wobblies”) began using sit-down strikes in the early 20th century, well before the famous sit-in protests of the civil rights movement (Watson 2006). Parades showcasing the strength of labor date back to at least the 1882 founding of Labor Day—a holiday created by the labor movement to commemorate workers (United States Department of Labor 2014).

Unions also have some similarity to interest groups, in that interest groups tend to work within more institutional channels than do SMOs, and may consequently be seen as more legitimate (Kriesi 1994). In fact, some scholars argue that unions have become bureaucratized to the point that they are best viewed as interest groups rather than social movements (Asher 2001). As Fantasia and Stepan-Norris (2008) point out, some unions have, during certain periods, worked to *not* appear very much like social movements, and the NEA is an excellent illustration of their argument. For much of its history, it has claimed to be only a professional organization, and sometimes mounted active opposition efforts to teachers’ unionization (Eaton 1975). It was not until the 1960s that the NEA joined the AFT in pressuring states to pass public employee collective bargaining laws (Kahlenberg 2006). Today, the NEA balances its identities as both a union and a professional organization.

However, many scholars now argue that unions must take a more movement-like approach if they are to survive, including framing claims to appeal to a broad audience, joining forces with other social movements, and convincing rank-and-file members to take an active role in their union (Chaison 2006, Clawson 2003, Lopez 2004). As unions struggle to maintain and
increase their role in today’s workplaces, we will likely see labor unions become increasingly similar to their social movement counterparts.

Scholars debate whether established unions and movements necessarily tend toward institutionalization and tactical conservatism rather than innovation. As Voss and Sherman (2000) note, long-lived unions and movements have historically tended toward tactical conservatism, unless internal or external disruption helps the organization overcome this conservatism, but recent research suggests that Michels’ (1915) “iron law of oligarchy” may not be so ironclad after all (Stepan-Norris & Zeitlin 2003). Therefore, perhaps even large organizations such as the NEA may not be as bureaucratic or conservative as the “iron law” would have us to expect.

**Methods Overview**

I chose a multi-method research design, using the state as the unit of analysis in both phases. Using comparative case studies, I examined strategic choice processes in detail in four states. Because I was interested in how and why activists made decisions, I conducted interviews, ethnographic observation, and archival research to collect data on decision-making processes in each state’s unions. The case studies also raised new questions; namely, why more unions did not choose ballot strategies. In order to gain a more complete picture of influences on strategic choice across the country, I conducted qualitative comparative analysis (QCA) of all states where a legislative threat became law.

Due to concerted efforts by conservative politicians and organizations, highly similar pieces of anti-union legislation were introduced almost simultaneously in many states at the start of the 2011 legislative session. These threats were not identical, but they were similar enough to be directly compared in my analyses. I chose to study threats to tenure and to collective
bargaining because both were widespread, occurring at the same time, and were immediate concerns for teachers’ unions. This meant that many unions had to consider strategies for addressing both threats simultaneously, so my analyses of strategic choice processes also had to include both types of threats.

My research design has several strengths. By analyzing state-level cases first, I gained the rich case knowledge necessary to make informed theoretically- and empirically-based choices about selection, coding, and calibration of causal conditions for QCA. The case studies also generated new questions that I was well equipped to answer using QCA. I was able to make broader, generalizable conclusions about strategic choice processes, based upon the in-depth knowledge gained from my case studies and the larger-scale QCA results.

Any research design also has shortcomings, and I found that the biggest problems in mine were difficulties largely inherent in conducting interviews. I had some difficulties with gaining access to union leaders, as well as leaders of allied organizations. In Tennessee, there was a relatively small campaign with few allies, resulting in few possible interview participants. In Wisconsin, on the other hand, there were a very large number of allied organizations, but I reached data saturation relatively quickly. In addition, interviewers frequently encounter problems with either respondents’ incomplete memories or hindsight revisions of events, though archival data and numerous interviews helped alleviate these concerns. Interviewing mostly people in formal leadership roles meant that I occasionally felt as though I was being told the organization’s “approved” version of events rather than getting an accurate story, but I found that most individuals were willing to speak candidly and openly. Additional interviews, archival data, and secondary media reports also offset some of this problem.
In the following pages, I will discuss my research methods in greater detail, including my approach to case selection and data collection, and a brief overview of QCA.

**Comparative Case Studies**

First, I conducted comparative case studies of four states: Idaho, Ohio, Wisconsin, and Tennessee. These case studies allow me to compare two pairs of states that differ on many variables: right-to-work status, historical strength of the labor movement, geographic distribution, recent vs. long-term Republican control of state government, success vs. failure at overturning anti-union legislation. These states faced similar legislative threats, yet engaged in responses that incorporated different tactics, varying magnitude of participation (large vs. small protests, for example), and/or differing tone or rhetoric. I conducted semi-structured and informal interviews with a total of 40 individuals, who were members or leaders of teachers’ unions or allied organizations. These interview participants included union presidents, executive directors, board members, leaders of their respective locals, rank-and-file members, and leaders of non-labor organizations. Interviews were conducted via phone or in person. Formal interviews were recorded and transcribed. I took notes on informal interviews, which generally consisted of impromptu conversations with individuals I met at union events I attended. Interview participants were first asked to provide background information on their organizational affiliation and nature of their role within the organization. Then, I asked interview participants to tell me the story of the 2011 struggle in their state, from their own perspective. While doing so, interview participants almost invariably addressed all or most of the questions I had prepared; I asked follow-up questions on points of interest or on topics that the interviewee had not addressed. Finally, I engaged in snowball sampling, asking interview participants to recommend others I should contact.
My initial union contacts were obtained via an acquaintance at UC Irvine. At an on-campus reception, I was introduced to an individual whose spouse was the former executive director of a state-level NEA affiliate. He sent email introductions to his colleagues in my case study states, who were all willing to be interviewed. These executive directors also put me in contact with other interview participants in their own and allied organizations. In addition, I “cold called” some union representatives, locating their contact information online and emailing them to request an interview. I interviewed union leaders and members, as well as leaders of allied organizations. All interview participants agreed to allow their real names to be used in this study.

I also conducted in-person observations at two events, the 2013 NEA Representative Assembly (RA) in Atlanta and a winter 2014 Ohio Education Association (OEA) Representative Assembly meeting in Columbus, and observation via live video feed of oral arguments before the Wisconsin Supreme Court in the case of Madison Teachers Inc. vs. Walker, a legal challenge to Act 10. It was at the NEA RA that I was able to conduct informal interviews with local leaders and rank-and-file members who had been chosen by the membership as delegates to the convention. Thanks to a guest pass provided by one of my research participants, I was able to observe the proceedings on the floor of the RA. Before the daily RA sessions started, I attended meetings of the Virginia, Idaho, and Ohio delegations. I attempted to attend the Wisconsin and Tennessee delegation meetings, but could not obtain permission from those delegations. I also attended events that took place at the RA, such as the kickoff “Raise Your Hand for Public Education” event, and the exhibits by education businesses and NEA sub-groups.

Finally, I conducted archival research at Madison Teachers Inc. (MTI), and at the OEA. I was granted full access to the paper files at MTI on Act 10, as well as access to the union staff,
several of whom participated in interviews. I was freely allowed to make copies or take photos of the MTI archives. I was also able to speak with all of the board members of MTI, as well as MTI’s legal counsel, who was granted permission to discuss the lawsuit against Act 10 with me. At OEA, I was given full access to all paper files on the SB 5/Issue 2 campaign, and OEA’s executive director was frequently available to answer questions. I was allowed to take photos or make copies of the OHEA materials with the executive director’s permission, and I was allowed only pen and paper for note taking because, as OEA staff explained, the materials would likely be used for upcoming campaigns. There were no comparable archives in Idaho or Tennessee for me to examine.

Archival data consisted of videos, press releases, letters to campaign supporters, organizational newsletters, internal emails, meeting minutes, campaign advertisements, legal memos, and similar documents. News reports were used to supplement the accounts of collective action given by interview participants, or to fill in information about which participants were unsure. Since a year or more had passed between the action taken and the date of the interview, participants sometimes noted that details like dates or numbers of petitions could not be recalled; I used archival data, news reports, and interviews with other participants for triangulation in these cases. Interviews were transcribed and coded using Dedoose qualitative analysis software, with initial open coding followed by iterations of closed coding focusing on strategic choice and coalition work.

In the fifth chapter, I use QCA to determine why more states’ unions did not turn to the ballot box. I will discuss QCA and my data in more depth in that chapter. The combination of these methods—fuzzy set QCA, qualitative interview, observation, and content analysis of secondary documents—has several advantages: it allows me to examine a wide variety of
potential influences on strategy across states, speak with activists about their own experiences with strategic decision-making, and gain historical context from other documents. However, there are also disadvantages to each method. Interview respondents sometimes recite only messages approved by union leaders for public dissemination, and may be very reluctant to provide more detailed accounts of decision-making processes. Desired interviews are not always possible to obtain. Certain documents, likewise, may be difficult to obtain, and media accounts (as mentioned earlier) likely tell only part of the story. Using a combination of methods, however, was one step toward offsetting some of the difficulties I encountered.

**Case Selection**

Idaho, Ohio, Wisconsin, and Tennessee were chosen for this study because the states, and the campaigns unions mounted in each state, share important similarities as well as key differences. The legislative threats in the four states were not completely identical, but in all four cases, teachers’ collective bargaining and tenure rights would have been severely restricted. In Idaho and Ohio, teachers’ unions pursued veto referenda in an effort to overturn those laws, and in both cases, the campaigns were successful. However, in Wisconsin and Tennessee, despite efforts at opposition (including a massive and extended campaign in Wisconsin), unions were not successful in defending their rights. In Wisconsin, public employees’ collective bargaining was limited only to wages, among other negative effects on unions, while in Tennessee, teachers lost the right to bargain collectively altogether.

The four states are quite different politically. Idaho and Tennessee politics are heavily dominated by Republicans, and have been for many years, while in Ohio and Wisconsin, partisan competitive states political control shifted to the Republican Party in the 2010 election. Idaho and Tennessee are right-to-work states; Ohio and Wisconsin are not, though there is an active
effort to pass right-to-work legislation in Ohio. Historically, unions have been a much stronger presence in Ohio and Wisconsin than in Idaho or Tennessee. In 2011, 21.7% of public employees in Idaho and 17.6% in Tennessee were union members, compared to 43.1% in Ohio and 46.6% in Wisconsin.

Importantly, the four states also varied in terms of the militance of strategic response. In Idaho, the teachers’ union teamed up with parents and community members to launch a massive (and successful) veto campaign against the new law, but in Tennessee, union members were relatively less concerned about the legislative threats, and there were virtually no allies with whom to cooperate. In Ohio, a large, formal coalition made up almost entirely of unions succeeded in overturning the state’s Senate Bill 5; however, in perhaps the largest and most attention-grabbing effort of any state, Wisconsin’s union members and supporters occupied the state capitol building for several weeks, as the state’s Democratic state senators fled to Indiana to delay a vote on Act 10.

Finally, geographic and demographic differences between the states led to interesting strategic adaptations. Idaho is a very large state in terms of land area, but it is quite sparsely populated, ranking 44th in population density among all states. The lack of direct highway routes and large land area of Idaho means that for residents of northern Idaho (where the state’s second largest metropolitan area, Coeur d’Alene, is located), a drive to Boise could entail seven or more hours of travel each way.

Wisconsin is the second smallest state by land area in this sample, and correspondingly, it has the second lowest population density. Madison is located in the southern part of the state, and crucially, the capitol is also home to the University of Wisconsin-Madison. Milwaukee, with a population over twice that of the capitol, is less than 80 miles away. Other major cities
are also within driving distance, such as Chicago (150 miles) and Minneapolis (270 miles); in fact, teachers’ union members from Minnesota came to Madison to protest Act 10 while union-busting legislation was also being considered in their own state.

By contrast, Ohio is much smaller and more densely populated, ranking 34th in area and 10th in population density. Columbus, the capitol, is located in the middle of the state, and other large metropolitan areas are scattered across the state. Activists can drive to Columbus in two or three hours, enabling many teachers and supporters to attend rallies in the capitol. Tennessee is only slightly smaller than Ohio in terms of land area, and its capitol is similarly centrally located. Like Ohio, major cities in Tennessee are connected via direct highway routes that make travel to Nashville relatively easy, although activists on the state’s eastern border face a drive of four hours or more one-way to the capitol.

Although I often refer to “teachers’ unions” collectively, rather than the National Education Association (NEA) or American Federation of Teachers (AFT) in particular, I focus mostly on the NEA. This is simply because the AFT is much smaller and is concentrated in a few urban areas, such as Chicago and New York City. In Tennessee and Idaho, the AFT had few or no members in K-12 education, and did not play a role in the campaigns I discuss. The Ohio Federation of Teachers was closely involved with the SB 5/Issue 2 campaign, and is included in my analysis. AFT Wisconsin was involved in the campaign against Act 10; of particular note is one AFT local, the Teaching Assistants Association at UW-Madison, which I discuss in detail.

The next chapter compares two of my case study states, Idaho and Tennessee. I provide an overview of each state’s political climate before discussing my findings.
“In fact I’ll tell you, my wife and I still remember the first conversation we had [about the Luna laws]. It was a weekday morning and she happened to look at the newspaper Friday and she said to me, ‘Did you see what Luna’s proposing?’ And I said no. And she said, ‘He wants to get rid of about 800 teachers around the state and replace them with online courses’. And I said, ‘You must be reading that wrong, that’s the stupidest thing I’ve ever heard of’. But of course she wasn’t reading it wrong.”
-Mike Lanza, Idaho Parents and Teachers Together

I chose Idaho and Tennessee for this analysis because the states, and the campaigns unions mounted in each state, share important similarities as well as key differences. The legislative threats in the two states were not completely identical, but in both cases, teachers’ collective bargaining rights would have been severely restricted. In Idaho, teachers’ unions pursued veto referenda in an effort to overturn those laws, and they were successful. However, in Tennessee, despite efforts at opposition, the union was not successful in defending teachers’ rights. Tennessee teachers ultimately lost the right to bargain collectively altogether.

The two states are quite similar politically. Idaho and Tennessee politics are heavily dominated by Republicans, and have been for many years, and Idaho and Tennessee are right-to-work states. Historically, unions have been a relatively weak presence in Idaho or Tennessee. In 2011, 21.7% of public employees in Idaho and 17.6% in Tennessee were union members (Hirsch & Macpherson 2012). Importantly, the two states varied in terms of militance of strategic response. In Idaho, the teachers’ union teamed up with parents and community members to launch a massive (and successful) veto campaign against the new law, but in Tennessee, union members were relatively less concerned about the legislative threats, and there were virtually no allies with whom to cooperate.
Expectations

There are many forms of strategic variation. Groups can pursue different tactical repertoires, adopt different tones (such as anger toward elites as opposed to a desire to cooperate with them), work with different allies (or none at all), change targets and claims (or add new ones), deploy varying combinations and amounts of resources, continue efforts for short or long periods of time, and cause more or less disruption (or no disruption at all) for targets and bystanders. Because repertoires of contention change relatively slowly and infrequently, and are widely shared across multiple movements (Meyer and Whittier 1994; 1993; 2001), I expected relatively limited tactical variation, with teachers’ unions being highly influenced by their colleagues in other states. Particular tactics, however, are not always available to or desired by every group, allowing for some potential variation in tactical choice. Meanwhile, I expected that the other strategic choices are more dependent upon external and internal influences, and would therefore vary more widely.

I expected to see variation on four aspects of strategy: claims, venues, tactics (Meyer and Staggenborg 2007), and interaction with allies. That is, I expected that a range of variables will influence what activists demand, where they make these demands, how they make them, and with whom.

In particular, I expected that legislation that threatened only teachers would be unlikely to result in alliance formation (except between teachers unions, or non-union teachers’ professional organizations). This sort of legislation was present in Tennessee. Further, I expected legislation that was most restrictive or that revoked existing rights to result in a wider variety of tactics, more militant tone, and larger demonstrations than legislation that weakens rights but does not revoke them. Less restrictive legislation, on the other hand, was expected to result in greater reliance on institutionalized tactics (lobbying, letter-writing, etc.) rather than public protest. And
I expected that loss of collective bargaining rights would be seen by union leaders and/or members as a greater threat than loss of tenure rights, and would therefore provoke a more militant response.

When allies were present, I expected that unions’ strategic choices would be influenced by the strategy preferences of allies, which may result in certain tactics being favored or not used.

Unemployment in 2011 was still quite high, though less than it had been in the 2009 recession. I expected larger demonstrations to be seen in states with greater unemployment, as more potential allies were found in these states. Idaho’s unemployment rate in 2011 was 8.3%, while in Tennessee, it was 9.2%. The national unemployment rate in 2011, for comparison, was 8.9% (Idaho Department of Labor 2013; Tennessee Department of Labor 2012).

Tennessee: Collaborative Conferencing

The 2010 elections ushered in a wave of public education reform bills in Tennessee. The Republican Party had held a majority in the Tennessee House of Representatives since 2008, and in the Tennessee Senate since 2004. In the November 2010 elections, Republicans strengthened their existing hold on the legislature, gaining one seat in the state Senate and 13 seats in the state House of Representatives. The 2010 elections were relatively successful for Tea Partiers in general, and Tennessee was no exception. That election brought a total of 21 new legislators into the Tennessee General Assembly, many of whom were Tea Party candidates.

In addition, Republican Bill Haslam was elected governor of Tennessee in 2010, replacing outgoing Democratic governor Phil Bredesen, who was term limited. Haslam won overwhelmingly, receiving nearly two thirds of the vote. With these victories, Republicans
gained control of the Tennessee House, Senate, and governor’s office for the first time since 1869 (Humphrey 2010).

**Table 3.1: Timeline of Relevant Events in Tennessee**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>1978</td>
<td>Tennessee passed the Education Professional Negotiations Act, requiring public school boards to bargain with teachers if a majority of the district’s teachers voted in favor of collective bargaining.</td>
</tr>
<tr>
<td>November 2010</td>
<td>Republican Bill Haslam elected governor; Tennessee Republicans gain control of legislature</td>
</tr>
<tr>
<td>January 2011</td>
<td>Professional Educators Collaborative Conferencing Act (PECCA) introduced</td>
</tr>
<tr>
<td>March 2011</td>
<td>TEA rally against PECCA</td>
</tr>
<tr>
<td>May 2011</td>
<td>TEA Representative Assembly; PECCA passed</td>
</tr>
<tr>
<td>November 2011</td>
<td>Tennessee Republicans gain supermajority</td>
</tr>
<tr>
<td>November 2014</td>
<td>Haslam re-elected, winning every county in midterm election</td>
</tr>
</tbody>
</table>

In January 2011, at the beginning of the legislative session, a set of education reform legislation was introduced. One of the proposed bills, later named the Professional Educators Collaborative Conferencing Act (PECCA), would do away with Tennessee teachers’ right to bargain collectively with local school boards, while another would make tenure for public school teachers both harder to obtain and easier to lose. These bills were advocated by Republican leaders, including Lieutenant Governor Ron Ramsey³, (who had been endorsed by twenty Tennessee Tea Party organizations), as well as Professional Educators of Tennessee, a non-union organization that bills itself “a professional organization; we are not a labor union” (Professional Educators of Tennessee 2012), and as an alternative to the NEA or AFT—of which it is very critical (Sisk 2010). Although the organization states on its website that it is not anti-union, the site then goes on to list the benefits of PET membership over union membership, describing teachers’ unions as “militant and adversarial,” because “public sector labor unions typically

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³ Under the Tennessee Constitution, the Speaker of the state Senate is also Lieutenant Governor. Therefore, there is no separate public election for Lieutenant Governor, as that office is filled by election by the Tennessee Senate of one of its members.
engage in collective bargaining, partisan support of political candidates, compulsory unionism, picketing, sick-outs and forced strikes,” and arguing that “teachers' unions engage in aggressive political partisanship and promote a wide-ranging social agenda on issues unrelated to education, often not reflective of the diverse political views of their broader membership.”

PECCA, however, came as a surprise to TEA (Tennessee Education Association), the state’s largest teachers’ union and an NEA affiliate\(^4\) that represents about 52,000 members. Al Mance, TEA executive director, recalled that the union had about two hours’ advance notice before PECCA was submitted.

PECCA was not a new sort of attack on Tennessee’s public sector unions; in fact, prior to 2011, teachers were the only public sector workers in the state to be allowed to bargain collectively, a right they had won in 1978. From the beginning, then, it was a hard sell to mobilize other unions to defend a right their members did not have, in a state where unions already held relatively little political sway. It was also a hard sell to some teachers; of 136 Tennessee school systems, TEA members in 44 of those systems had chosen not to engage in collective bargaining prior to PECCA (Gibbons 2014). So not only were teachers the only Tennessee public sector workers who could bargain collectively, but they were also not united on whether they wanted to bargain at all.

TEA rushed to mobilize its membership, holding a rally in early March that drew over a thousand TEA members and supporters\(^5\). Tea Party counterprotesters also showed up, demanding that Governor Bill Haslam, who had not taken a stance on the bill, support the legislation. Other labor and education organizations lobbied alongside TEA, and members of

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\(^4\) There is virtually no AFT presence in Tennessee, with only one local in the state.

\(^5\) Attendance estimates vary widely; the AP reported 1,000 TEA supporters and “a few hundred” Tea Party counterprotesters (Associated Press 2011), while Mance reported “between 4,000 and 5,000 of our members” at the rally. It’s unsurprising that estimates from the union, which wants to highlight its large number of supporters, would be higher than those from the media, which likely wants to highlight the movement/countermovement struggle.
these organizations joined in rallies in Nashville. Groups like the United Way, and labor organizations like the AFL-CIO and the International Brotherhood of Electrical Workers, sent members to rallies but did not contribute financially or otherwise to the campaign. Like-minded organizations also lobbied alongside TEA. But, as Summerford explained, TEA is significantly larger than their potential union allies, and only TEA was affected by the legislation; other public sector workers were already denied the collective bargaining rights that PECCA would take away. So although other groups opposed PECCA, the nature of these alliances was extremely nebulous and limited.

Rank-and-file members played a large role in TEA’s opposition to PECCA. Tennessee delegates I met at the NEA RA recounted the hours they spent making calls and writing to legislators. Mance summarized the members’ efforts:

“We first of all mobilized our members. [...] We had each week teachers from all over the state coming to sit in on legislative committee meetings so that the legislature would know that they were concerned about it and would get a chance to see them eye-to-eye. Our members wrote emails to them, made calls to their representatives and senators and made as many different kinds of contacts as advisable. We made sure that our members were kept up to date on what was going on in the legislature both by sending them text messages and emails, making phone calls, we had robocalls in some instances and then we just had members who manned phone banks to call their legislative representatives, let them know what they wanted them to do.”

Summerford added,

“We were doing massive email messaging to our members and asking them to contact their legislators. And then we also were asking members to come to town when the education committees were meeting. We’ve always done that during the legislative session, had lobby days, but they tended to be small numbers of teachers coming in [at] different times during the season. So when the Senate education committee first had a meeting, the House committee as well and these bills were on the calendar, we had a packed house of our members and this was

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6 It was unclear what forms of contact were not “advisable”. When asked, Mance stated that TEA’s board of directors considered potential actions and rejected any that were not feasible, would not accomplish the goal of getting representation for members, or might backfire or otherwise not sway lawmakers in the desired direction. But he could not recall specific ideas that were rejected.
unprecedented. We had probably 400 or 500 teachers there on the same day at the time when those committees were meeting, filled the rooms, overflowing in halls, that kind of thing. And in spite of that some of the legislators stood before the committee and testified against the union. It was pretty hard to believe to see that room packed like that and [legislators] said things like we [the union] are the protectors of mediocrity and we only care about the adults in schools and those kinds of things. So there continued to be a huge presence week after week, which again was really unprecedented. We typically would have 15, 20 members a week coming in here during a regular legislative session.”

As Summerford noted, union members’ presence at legislative hearings not only did little to sway legislators; it also did not deter some legislators from making anti-union remarks that further angered TEA members. Echoing Summerford’s recollections, the delegates I interviewed at the NEA RA were disheartened and angry as they recounted their work against PECCA, because they felt that their intensive actions had made little difference.

On May 21, 2011, the first day of TEA’s annual representative assembly, hundreds of delegates arrived in Nashville as scheduled for the union’s meeting. That night, however, TEA’s chief lobbyist came to the convention center to tell the union members that the Tennessee House of Representatives was voting on the collective bargaining bill. The delegates adjourned, walked up the hill, and filed into the Capitol. They filled the gallery and spilled out into the lobby, but their presence did nothing to sway the legislators. That night, the House voted in favor of PECCA, echoing an earlier Senate vote. However, the House bill was not as restrictive as the Senate bill: the Senate bill would ban all collective bargaining, but the House bill left in place bargaining for wages, insurance benefits, and dues deductions (Humphrey 2011a). When the two bills were reconciled, legislators decided to limit Tennessee’s teachers to “collaborative conferencing” with school boards. TEA, or any other organization chosen by 15% of teachers, may meet with school board representatives, and both parties may agree to sign binding memoranda of understanding. These memoranda are limited to certain topics, and school boards
are under no obligation to sign. However, all points of disagreement are decided by the school board—thereby giving employers no reason to engage in bargaining (Humphrey 2011b).

This was a compromise bill resulting from TEA’s legislative efforts; the original bill, and the version passed by the Senate, had no requirement for school boards to meet with any teachers’ organization. Without this compromise, teachers’ organizations would have no legally protected method to represent teachers in discussions with school boards over workplace issues, so TEA viewed this as a partial victory. But the law also allows anti-union organizations, like the Professional Educators of Tennessee, the same access to these meetings if 15% of teachers vote for representation through these groups, potentially fragmenting teachers’ solidarity.

The legislation changing Tennessee’s tenure system passed with much less opposition from the union. It was signed into law on the same day as PECCA, along with a law allowing for privately-owned “virtual schools” (Humphrey 2011c) TEA focused its efforts on the bargaining bill for two reasons. First, the union felt that it had a better chance of getting the necessary votes in the General Assembly to stop the bargaining bill; TEA did not expect that these votes could be won for the tenure bill. Second, TEA’s membership was more interested in stopping the bargaining bill, because they perceived it as a greater threat than the tenure bill. Most of TEA’s members are tenured teachers, and despite TEA’s efforts to explain that the bill would also make it possible for tenure to be lost, many members did not feel that the bill would affect them personally. TEA found it difficult to mobilize rank-and-file members around the tenure bill, but members viewed the bargaining bill as a threat to the entire union and were more willing to take action to oppose it.

This difficulty reflects another, larger obstacle for TEA. As Mance said, “Frankly we’re always trying to get something done. In this instance we were trying to get them to decide not to
repeal collective bargaining and some of the other things they were doing.” Of course, any social movement organization is “always trying to get something done.” But in Tennessee, the complete Republican control of the state’s government paved the way for many bills the union opposed, such that PECCA—arguably a greater threat to teachers’ collective bargaining than the laws proposed in many other states—was seen as only one of many threats.

And TEA had considerable difficulty in finding or mobilizing allied organizations. Where possible, TEA worked with the Tennessee School Boards Association (TSBA) and the Tennessee Organization of School Superintendents (TOSS), but PECCA drove a wedge between TEA and these groups, which were in favor of the bill. TSBA and TOSS are comprised of the very people with whom teachers engage in bargaining. It makes sense, then, that these organizations share a concern for students’ welfare and a need to provide school employees with acceptable working conditions, but also that these groups are not likely to agree with TEA on many issues.

TEA also worked with local Parent-Teacher Associations (PTAs), and SCORE (State Collaborative on Reforming Education), an organization founded by former Governor and U.S. Senator Bill Frist, a Republican. SCORE attempts to partner with union, management, nonprofit, and business interests, listing such diverse groups as TEA, TSBA, TOSS, the Tennessee Board of Education, the United Way, the Tennessee Chamber of Commerce, and the Tennessee Charter School Association on its “Partner Organizations” webpage. Leaders of these organizations, including TEA President Gera Summerford, serve on the SCORE steering committee. Of course, some of these groups are completely opposed to one another; the Chamber of Commerce, for example, is an explicitly anti-union organization. (The chairman of the Tennessee Chamber
of Commerce made this stance very clear in an article published on *The Tennessean*’s website, entitled “Low Union Membership Helps Tennessee Attract Jobs” (Ozier 2013).

TEA was also hesitant to rely on allies for support. The union did not ask other labor organizations for financial contributions, and other unions engaged in highly institutionalized forms of support that consisted largely of asking members to contact elected officials concerning PECCA. As Summerford said,

“There was coordination with those [labor] groups, but all of those groups are significantly smaller than we are. The law did not impact them because it did not change the permissive nature of their bargaining, but in fact the law now is more restrictive on us because even a local board couldn’t decide to a contractual agreement with us now. It put us in a worse place. It didn’t necessarily impact our union brothers and sisters directly.”

Given that TEA is the state’s largest labor union and that other unions already could not bargain collectively, we can understand TEA’s reluctance to ask for further assistance, but this also resulted in a weak and largely ineffective coalition.

Therefore, TEA leaders found multiple impediments to coalition formation. First, not all potential allies—such as TSBA or TOSS—held the same views on the proposed legislation. Second, TEA is the state’s largest union and professional organization; potential labor allies were much smaller, and relatively few in number. Tennessee is a right to work state, and in 2010, only about 20% of its public employees were represented by a union. Further, TEA is virtually the only teachers’ union in the state, and PET represents a competing organization. Finally, the legislation in question was very narrowly focused on teachers, and on a right that other workers did not have. This made it difficult to persuade both non-union allies and non-education unions to contribute large amounts of resources to the effort. Support from other unions was limited to advertising TEA rallies to their members, and lobbying alongside TEA on issues these unions already opposed.
Unlike many states, there is no citizen-initiated referendum or recall process in Tennessee. TEA vowed to continue representing teachers within the confines of the new law, but it was clear that the union had been dealt a major blow. Within six months of the law’s passage, TEA’s membership had dropped by 10%, and some locals reported losing nearly a quarter of their membership (Nashville Public Radio 2012, Zelinski 2011). Meanwhile, PET saw membership gains of over 10% in the same time period.

The collaborative conferencing bill was a potential victory for PET, because the legislation allows any organization—not just unions—that obtains 15% of the vote of local teachers to engage in the conferencing process. Although PET opposes collective bargaining, the organization has embraced collaborative conferencing, joining TEA, TOSS, and TSBA in implementing this legislation. Sample ballots for voting on a request for collaborative conferencing list both TEA and PET (as well as “unaffiliated”) as potential organizations from which teachers may request representation. It’s certainly easier to obtain 15% of the vote than the majority needed for union certification, giving PET an easier route to influence in local school districts. This strategy has paid off for PET, at least in some school districts. For example, PET was included in conferencing in Sullivan County.

With no recourse for overturning the collaborative conferencing legislation, TEA focused on routine electoral politics. They tried to persuade legislators to introduce and pass laws mitigating PECCA’s effects, such as making its first year of implementation a pilot program. Mance described this bill as “strongly considered” in the legislature, but it did not pass. TEA also planned to become more involved in local school board elections, attempting to elect board members who were sympathetic to the union. However, in November 2012, Republicans gained
a supermajority in both houses of the Tennessee General Assembly, making it even more unlikely that Tennessee teachers will regain collective bargaining rights.

TEA has continued to engage in dialogue with school boards under the provisions of PECCA, but the results have varied across school districts. Some TEA affiliates have attempted to use the collaborative conferencing process, and when local school boards refused to sign MOUs, the unions turned to legal strategies. The Rutherford County TEA local, for example, filed a complaint in April 2012 against its local Board of Education, arguing that the school board had failed to engage in good faith in the collaborative conferencing process, and that the school board had no intention of signing a MOU (Rutherford Education Association 2012).

Three counties’ TEA locals have also brought lawsuits against their respective school boards, challenging the constitutionality of PECCA (Gibbons 2014). These lawsuits have mostly been unsuccessful. However, in September 2011, the Sumner County Education Association (SCEA) filed a suit in federal court, claiming that the local Board of Education refused to work with the union under PECCA, and had illegally restricted the union’s activities in the schools. This lawsuit ended in a settlement that was a victory for SCEA. The Sumner County Board of Education agreed to allow SCEA to engage in legally protected recruitment and communications activities on school property, to restore payroll deduction of SCEA dues, and to meet quarterly with SCEA (Humphrey 2012). But most Tennessee school districts have simply adjusted to life under PECCA.
Idaho: Propositions 1, 2, and 3

Table 3.2: Timeline of Relevant Events in Idaho

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>Republicans gain control of Idaho state government</td>
</tr>
<tr>
<td>November 2006</td>
<td>Republican Butch Otter elected governor</td>
</tr>
<tr>
<td>November 2010</td>
<td>Republican Tom Luna reelected as Superintendent of Public Instruction</td>
</tr>
<tr>
<td>January 2011</td>
<td>Luna laws introduced</td>
</tr>
<tr>
<td>March-April 2011</td>
<td>Otter signs Luna laws</td>
</tr>
<tr>
<td>June 2011</td>
<td>Signatures collected to place veto referendum on ballot</td>
</tr>
<tr>
<td>November 2012</td>
<td>Propositions 1, 2, and 3 rejected by voters, overturning Luna laws</td>
</tr>
<tr>
<td>November 2014</td>
<td>Otter reelected</td>
</tr>
</tbody>
</table>

Idaho, a right-to-work state, has been under Republican control since 1995, and Republicans have controlled both chambers of the state Legislature since the early 1960s. The anti-union laws that would become Idaho’s Propositions 1, 2, and 3 were, therefore, passed by a party already strongly in power. These propositions originated from an education reform package championed by Tom Luna, a Republican and Idaho’s Superintendent of Public Instruction, soon after his reelection in 2010. Luna’s reform package was officially known as Students Come First, though it also became known as “Luna laws”. These laws are described in Table 3.3.

Table 3.3: Summary of Idaho’s 2011 Propositions 1, 2, and 3

<table>
<thead>
<tr>
<th>Bill</th>
<th>Summary</th>
<th>Vote</th>
<th>Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 1108 (Proposition 1)</td>
<td>Eliminates tenure for new teachers, restricts collective bargaining and limits labor agreements to one year, restricts bargaining to salary and benefits, and requires unions to provide annual proof that they represent a majority of teachers in a school district</td>
<td>Senate: 20-15 House: 48-22</td>
<td>March 17, 2011</td>
</tr>
<tr>
<td>SB 1184 (Proposition 3)</td>
<td>Funds classroom technology initiatives with money from teacher salary fund</td>
<td>Senate: 20-15 House: 44-26</td>
<td>April 8, 2011</td>
</tr>
</tbody>
</table>
The Idaho Education Association (IEA) opposed all three laws. While SB 1108 (later, Prop 1) was a clear attack on unions’ activities, they argued that SB 1110 (Prop 2), a “merit pay” law, was unfair to teachers, because students’ performance in the classroom is influenced by many factors. SB 1184 (Prop 3) required online coursework and laptops for high school students; the money for this initiative would be taken from the teacher salary fund, and the online course requirements would result in the loss of about 800 teachers’ jobs. Luna began discussing these proposals at the beginning of his new term, and the bills were introduced during the first week of the 2011 legislative session.

Unlike in Tennessee, public opposition to Luna’s bills was strong and overwhelming, with legislators reporting that 90% or more of the communication they received from voters registered disapproval to the bills. Said Mike Lanza, co-founder of Idaho Parents and Teachers Together (IPATT),

“There were some legislators who said they received 2000 emails. And this is a small state. That’s really unheard of. Some told me, I think they were being quite honest, we never get this kind of response to anything, and especially all personally written emails. If you get 100 emails or 300 emails on something, it’s usually a form letter that some group has gotten its members to click and sign to write. But we didn’t do that.”

Legislators held public hearings on the Luna laws in early 2011, and union leaders felt confident that public opinion was on their side. Robin Nettinga, IEA Executive Director, recalled,

“The meetings were held in the afternoon and people would begin lining up, and the lines went clear down the hallway of the legislature. They met in an auditorium that will hold 200 or 300 people. They had 2 or 3 overflow rooms of people listening because they couldn’t get into the room.”

According to Nettinga, at those public hearings, approximately 95% of those who signed up to speak were opposed to the bills. However, Maria Greeley, co-founder of IPATT, noted that the public hearing process itself increased public anger and frustration toward lawmakers. Although
the vast majority of speakers opposed the bill, legislators chose to alternate speakers “for” and “against” the bill, and opponents felt that those supporting the legislation received more time to speak, fueling even greater anger among the bills’ opponents.

IEA members were not the only group opposed to the Luna laws; community members and parents of Idaho schoolchildren were also angry about these changes to public education. Neither Maria Greeley nor Mike Lanza, both of whom had children in Idaho public schools, described themselves as activists prior to January 2011. Separately, Greeley and Lanza became aware of the effects that the legislation would have on public education, and separately they began contacting other parents in an effort to fight back against the proposed laws. Greeley organized a parent forum to discuss the bills in February 2011, and had no intention of pursuing further activism. However, at that forum she met Lanza, who approached her about starting a parents’ organization to oppose the legislation.

Slowly, Lanza and Greeley built a movement of Idaho parents who were opposed to the Luna laws. Following the February parent forum, they held additional rallies, and they attended the massive public hearings at the state legislature. Around this time, Lanza and Greeley met IEA members, and were introduced to state-level IEA leaders. The two organizations decided to work together to fight back against the Luna laws.

Despite Idaho citizens’ attempts to lobby legislators to vote against the Luna laws, Republican control of the legislature ensured their passage. Voting was nearly identical, and mostly along party lines, on all three bills (though a few Republicans voted against them). Idaho governor C. L. Otter signed SB 1108 and SB 1110, bills that limited teachers’ collective bargaining and tenure rights, and created a merit pay system, on March 17, 2011. These bills
later became Propositions 1 and 2. A third bill, SB 1184, which required online education and later became Proposition 3, was signed on April 8.

Even before Gov. Otter signed the Luna laws, IEA and IPATT prepared to place veto referenda on the ballot. Leaders of both IEA and IPATT described feeling as though they had no other options for fighting against these laws, and given their relative lack of political allies, they felt that the veto referendum was a straightforward strategic choice. IEA held its Delegate Assembly in mid-April, where representatives from IEA locals voted to support referendum campaigns against the three laws. Nettinga explained,

“We knew that the best place to stop the legislation would have been in the Senate education committee. And we knew that was going to be difficult because the chair of the Senate education committee was actually the sponsor of the legislation. So our next best place to stop it would have been the Senate floor and we worked very hard to make sure we could find 18 senators who would oppose the pieces of legislation, and we weren’t able to do that. Once those bills made it through the Senate, we knew it was impossible to stop it in the House. We tried; we continued to do our work, but we also knew that we needed to figure out what could we do now. […] And we studied the different steps in the [veto referendum] process and began early on working toward creating the steps and getting ourselves prepared for the referendum process.”

Although IEA was confident that the ballot strategy would succeed, given the strong public opposition they had witnessed to the Luna laws, the organization also pursued a legal strategy. IEA also filed a lawsuit on April 27, 2011 (Russell 2011). They sued the state of Idaho, the governor, and the state superintendent of public instruction, in an attempt to overturn the Luna laws. This lawsuit was filed after signature-gathering efforts had begun, and it was ultimately unsuccessful. A district court judge upheld the constitutionality of SB 1108 and associated laws in September 2011.

IEA and IPATT had to gather at least 47,432 signatures on each of the three petitions by June 1, 2011. Much of the signature gathering was done by IPATT, with support and volunteer
assistance from IEA members and leadership. The geography of the state presented a challenge to signature gathering. Because Idaho is so large, and its population centers are located so far apart, the coalition had to figure out how to involve a large number of volunteers from across the state. Technology and widespread volunteer participation were vital to the signature-gathering effort. Additionally, lack of voter knowledge about the referendum procedure complicated efforts. Veto referenda are relatively uncommon in Idaho, and voters were not always familiar with the signature gathering process.

IPATT played a crucial role in the signature gathering effort. They created multiple Facebook pages, a website, and an email list of potential supporters. Petitions could be accessed on the website and dropped off or mailed to campaign leaders, and Lanza estimated that about 3,000 volunteers across the state helped to gather signatures. Ultimately, about 72,000 signatures were submitted for each petition, far more than enough to place all three veto referenda on the ballot.

However, the referenda would not appear on the ballot until November 2012, more than a year later. Within that year, two of the three pieces of legislation went into effect due to the emergency clauses they included. IEA was able to use this to their advantage, because working under the new laws allowed teachers to speak from personal experience about their negative effects. This helped to offset some of the decline in public awareness that occurred after the propositions had been approved for the ballot. In summer and fall 2012, the campaign to repeal Propositions 1, 2, and 3 began again, using tactics similar to those of the signature gathering drive. Volunteers staffed phone banks, calling IEA members, voters who had signed petitions, and citizens who might be persuaded to vote no. There were inherent difficulties in this system. The ballot initiative process is rarely used in Idaho, and voters were not always clear about how
it worked. Some voters thought that by signing a petition the previous year, they had been voting for repeal, rather than simply trying to place the repeal measures on the ballot. IEA and IPATT had their work cut out for them.

But because both voters and teachers had had a year to see the effects of the legislation, it was not very difficult for IEA to remind them of the need for repeal. Despite the laws’ harmful effects, then, the emergency clauses may have bolstered the repeal effort. Of course, these clauses aren’t a strategic choice; IEA and IPATT had no say in the inclusion of the emergency clauses, and were certainly opposed to the laws taking effect at all. But being able to see the effects of the Luna laws, and having negative experiences to share with Idaho voters, helped to jog voters’ memories about why the laws should be repealed.

Prior to this campaign, only one law had been overturned by veto referendum in Idaho’s history; however, on November 6, 2012, Idaho voters rejected all three laws by margins of at least 15% of the vote. However, the story did not end there. In January 2013, when the Idaho legislature convened, legislators tried again to pass several of the provisions voters had just rejected. IEA’s 2013 legislative agenda included lobbying against several items that limit collective bargaining. SB 1147, for example, limits to one year contract provisions on salaries, benefits, and any other items that involve costs to the school district (Russell 2013). That bill was originally meant to sunset on July 1, 2014, but an “emergency” amendment later extended it for another year. SB 1149 requires locals to prove that they represent a majority of employees in the district prior to commencing bargaining, and this bill had no end date. Both of these bills were signed into law. Although they do not create the sweeping restrictions present in SB 1108/Prop 1, they represent a more limited but similar attack on collective bargaining. SB 1149
also brings to mind Wisconsin’s Act 10, which requires public employees’ unions to recertify every year, although the Idaho law is not quite so onerous.

But this time, IPATT had largely moved on. While IEA and IPATT still had a cooperative relationship, their alliance was based upon repealing the Luna laws. With that done, IPATT moved on to other education-related issues, such as school funding. Lanza and Greeley were concerned about public education writ large, not necessarily about the union. So IEA found itself back where it started, having defeated the Luna laws at the ballot box, but now facing a new slate of harmful proposed legislation without such strong community support. Neither did IEA have strong union allies; it is virtually the only K-12 teachers’ union in Idaho, since the Idaho AFT has only two K-12 locals. Instead, Idaho AFT represents mostly higher education workers. Being nearly the only teachers’ union in the state surely has benefits, but it also means that allies might be in short supply.

IEA was unable to stop these bills from being passed, and the union has not planned further action. Because SB 1147 was originally meant to sunset a year from its implementation, IEA likely saw little benefit to expending additional resources on a repeal attempt (although it remains to be seen what will happen when the law expires). However, individual school districts in Idaho continue to struggle with restrictions and efforts to circumvent their collective bargaining rights.

Discussion

Why are the Idaho and Tennessee cases important? Both cases illustrate what happens when unions in a right-to-work, conservative state face existential legislative threats. Right-to-work laws weaken unions by banning union security agreements, allowing workers in a unionized workplace to be represented without paying union dues. Employees may therefore
choose not to join the union, but will still benefit from the union’s work. This can result in loss of revenue for the union, as well as loss of membership. By comparison, in a state without a right-to-work law, workplaces may be agency shops (where workers do not have to join the union, but must still pay “fair share” fees to the union for services they receive), or they may be open shops (in which workers are not required to join or to pay fees to the union). Under some conditions, a workplace may also be a union shop (where workers must join the union soon after being hired).

These laws not only constrain unions; they are also passed by legislatures that are not union-friendly, and so are typically present in conservative states (or, at least, states that have had anti-union governments at some point, as did historically union-friendly Michigan in 2012). They typically are found, in other words, within state-level political opportunity structures that are closed to teachers’ unions on multiple dimensions: neither existing laws nor political elites are in unions’ favor. When union opponents in right-to-work states attempt to pass legislation to restrict collective bargaining, therefore, unions may find themselves with few potential allies, and may even encounter apathy from members who do not want to bargain. I find that it is not necessarily the right-to-work laws themselves that constrain teachers’ unions’ strategic choices; it is also the hostile political opportunity structure within which these laws were passed. These political contexts limit the number and types of allies available to teachers’ unions, and shape the interactions of unions with allies.

This was the case in both Idaho and Tennessee. Neither TEA nor IEA could turn to other unions for help. Both organizations are the largest union in their respective states, and with few other strong unions, allies were hard to find. TEA had part-time allies, groups like TSBA or TOSS that agreed with the union on a desire to improve public education, but disagreed on how
to achieve that goal, and these organizations were in favor of removing collective bargaining rights. They also had other union organizations that provided some minimal support, but no strong, lasting alliances around PECCA. In Tennessee, where the law was very narrowly written to affect only TEA, it was hard to find any allies, and the allies TEA had were unions; other education workers’ organizations were in support of PECCA. IEA, however, turned to the community for support, and found a vital ally in IPATT.

In addition to the straightforward contribution of resources that allies can bring, they also play a large role in public perception of the campaign. Closed political opportunity structures make this role even more crucial. Not all parents and community members see teachers’ unions as partners in K-12 education, and anti-union rhetoric encourages this sort of thinking, framing unions as greedy and unconcerned about what is best for schoolchildren. The relationship that IEA had with IPATT during the proposition campaign was crucial to its success, and it changed the claims, tactics, and venues available to the union.

Having a strong non-union ally gave IEA’s claims—that the Luna laws were bad both for teachers and students—considerable weight. The coalition could say that teachers and parents, union and non-union alike, all agreed on the issue, and their reasons for that agreement could easily be framed to resonate with nearly any audience. Tactically, although it’s hard to know how the proposition campaign would have ended without IPATT’s support, having parent allies gave IEA access to a group of potential volunteers and supporters that would have otherwise been more difficult to reach. While the campaign probably would have happened without IPATT’s involvement, it would likely not have happened on the same scale. IPATT’s social networks (both in person and online) helped bring more people out to rallies and more volunteers out to circulate petitions.
Choosing to form an alliance, however, involves several decisions. First, there was the question of how formal this partnership would be. IPATT proved to be a valuable ally not just because they played a large role in signature gathering, but also because as parents, they could not be targeted by anti-union criticism. Instead, Greeley and Lanza argued that they were simply parents who wanted to do what was best for their children. Lanza said, “Maria and I weren’t leading this because like Tom Luna we got campaign money from online course providers, or we weren’t the IEA which has always been accused of looking out for its own interests whether fairly or unfairly. We were completely immune to any kind of accusations like that.”

The small coalition was very conscious of the importance of IPATT’s position, and both organizations worked to maintain this immunity. IEA and IPATT intentionally kept their relationship informal, and IPATT remained independent of the union. Both publicly and privately, they maintained separation between the two groups, so that IPATT could not be accused of being controlled by the union. Lanza and Greeley’s roles as parents provided their organization with a degree of legitimacy: they did not have wealthy funders or paid staff, and they could argue that their only goal was protecting the best interests of Idaho’s schoolchildren. Union critics had trouble arguing against this claim when it came from parents, and parent support lent further legitimacy to the union’s claims as well.

This informal coalition, however, weakened considerably following the success of the proposition campaign. IPATT was never primarily concerned with labor rights; they were concerned with public education. Collective bargaining and tenure were seen as good for teachers, and therefore good for public education. Maria Greeley was very clear about this: “I wasn’t out to save a union, I was out to make sure that the right thing was done for students.” In fact, she was initially skeptical of working with IEA, but she recognized that IPATT and the
union had the same goal, and that the IEA had vital resources—knowledge about how to run a campaign, money, volunteers—that IPATT did not have.

In September 2013, Lanza wrote,

“Who would have predicted all that has happened since state education Superintendent Tom Luna dropped his Students Come First proposals on the Legislature in January 2011? I certainly did not plan to become an education activist and spend hundreds of hours of my time on these issues. But after Idaho voters repealed the “Luna laws” last November, it didn’t feel to me like we were finished. Defeating bad ideas wasn’t enough; we needed to take the next step and get behind some good education policy. Now we have the kind of opportunity that comes up once every 20 years or so. We are not done.”

But IPATT was no longer so interested in defending union rights. To be sure, they maintained a relationship with the IEA, and they were still interested in issues around bargaining—Mike Lanza discussed HB 260, a failed bill that would have allowed Idaho school boards to unilaterally impose contract terms if negotiations were not completed by a deadline, on the IPATT blog in March 2013, and urged readers to oppose its passage. But he also discussed several other education-related laws, and none of the others coincided with the IEA’s list of legislative priorities.

The alliance between IPATT and IEA, then, was only useful to both groups as long as it was explicitly very limited—both in terms of its longevity and the degree of public cooperation between the two organizations. During the proposition campaign, the alliance opened new potential strategies for both groups, and keeping it informal was the best way to preserve those advantages. However, afterwards, the alliance had to be re-negotiated to serve IPATT’s expanding interests, possibly at a disadvantage to the IEA.

My expectation that narrowly worded legislative threats affecting only teachers would not result in alliance formation was supported by my case study data. In Tennessee, in fact, this was one key reason why TEA found it so difficult to form strong coalitions: PECCA affected
only teachers, and even more specifically, affected only TEA, and only those TEA locals that chose to engage in bargaining. This is not to say that other unions or organizations did not care whether PECCA passed. Other unions did provide a minimal level of support, sending people to participate in rallies and aiding with lobbying. But these were not formalized or long-term alliances, and they did not provide substantial resources or other forms of support. On the other hand, Idaho’s Luna laws were somewhat more broad threats to public education, and the alliance that formed in opposition to these bills was a broader coalition of unionists and others concerned about public schools. Still, however, the campaign was limited to organizations that were specifically interested in the issues the Luna laws addressed; it did not draw support from a broader set of SMOs.

Contrary to my expectation, unions in Tennessee (where the unemployment rate in 2011 was higher than both the national average and the unemployment rate in Idaho) did not see an increase in rally size or number of potential allies. It’s unclear whether high unemployment affects public sympathy toward unions, but the number of allies available to a union is influenced by many other factors. For example, prior to the passage of PECCA, teachers were the only public sector employees allowed to bargain collectively. The prospect of teachers losing this ability, therefore, may not have caused much concern on the part of non-TEA members; in fact, some observers likely felt that teachers should not be allowed to bargain collectively while other public employees could not. Additionally, PECCA’s narrow wording applied only to public school teachers, likely making it irrelevant for many Tennesseans, employed or not. Similarly, in Idaho, the Luna laws were framed as affecting public education, not public workers. These were not presented as labor issues by either side.
I did not find that the more restrictive piece of legislation resulted in a wider variety of tactics, more militant tone, or larger demonstrations. Again, part of this finding may be due to the fact that such restrictions were already commonplace in Tennessee. It was also the case that TEA members were bombarded with many pieces of anti-union legislation, potentially leading to burnout or apathy toward these threats. And although TEA members readily mobilized in support of their collective bargaining rights, they were largely uninterested in mobilizing to protect tenure. Members viewed these bills, along with other concurrent bills targeting TEA and education reform, as separate issues, and TEA’s efforts to present them as a unified threat were largely unsuccessful.

This possible problem was overcome in Idaho as the coalition treated all three pieces of legislation as one threat, consistently framing the vote as against Propositions 1, 2, and 3 rather than discussing each measure separately. IEA successfully linked all of the Luna laws; although by law there had to be three separate propositions, all signature gathering and communication from IEA and IPATT addressed the propositions together. Of course, voters were not always swayed by this approach—the margins of victory on Propositions 1 and 2 were much lower than on Proposition 3—but this unified effort made it possible to bring together people who were opposed to each law. In Tennessee, there were many threats that were presented as distinct, which ultimately divided members’ attention and their energy. Members ranked threats as more or less dangerous rather than seeing them all as a large anti-union effort.

It’s important to note that stronger union states did not experience the multitude of threats that more conservative, right-to-work states did. As we will see, Wisconsin's and Ohio's unions could focus on Act 10 or SB 5 rather than multiple simultaneous bills. The many anti-union bills that passed simultaneously in Tennessee and Idaho are a consequence of the states’ hostile
political context for unions, and facing so many threats at once complicates unions’ potential strategic plans.

But right-to-work laws are not the only legislation that constrains movements’ strategic choices. Ballot initiatives are not allowed in Tennessee, as they are in Idaho, so TEA could not have pursued a veto referendum even if they had gotten substantial public support (Silsby). Tennessee is not one of the nineteen states that offer recall of elected officials, so this was also not a possibility for TEA (National Conference of State Legislatures, 2013). It is important to remember that the lack of tactical variation in Tennessee was due in part to these state laws. These legal restrictions are an important aspect of political opportunity structure. Existing laws are part of the political environment within which social movements act, and they expand or constrain available strategic choices.

But legal restrictions don’t tell the entire story in Tennessee. TEA did not, for example, pursue a lawsuit against PECCA, although legal tactics are commonly used to try to overturn or delay implementation of laws. Individual TEA-affiliated locals did challenge PECCA in court, but these efforts were not initiated at the state level. TEA was also unsuccessful in routine politics; Tennessee Republicans gained a supermajority soon after the passage of PECCA. If Tennesseans were upset about PECCA, that didn’t lead to weakening of the political coalition that had passed it.

In Idaho, IEA did challenge the Luna laws in court, but did not rely on this as the primary approach to overturning the legislation, believing (correctly) that the veto referendum was more likely to succeed. The Idaho case is illustrative of the fact that even where they are available,

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7 However, Idaho does have a recall procedure. Any public official, other than judicial officers, can be recalled in Idaho, and there were two efforts, in 2011 and 2012, to recall Tom Luna. Neither IEA nor IPATT was involved in these campaigns, and Penni Cyr stated that IEA was more interested in repealing the Luna laws than recalling any individual (Popkey 2012).
ballot tactics are never the union’s only choice. IEA pursued a lawsuit as well. It is also important because it emphasizes the value of coalitions, in a case where unions really have their work cut out for them. Tennessee had neither ballot recourse nor a coalition, but if they had had a coalition, as my informal interviews suggested, perhaps the union could have put more political pressure on legislators. In Tennessee, politicians successfully divided labor and education organizations over PECCA. By making this bill so narrowly tailored, only TEA was really opposed.

In both states, unions worked to build public opposition to the proposed laws, but legal constraints meant that their canvassing efforts had different goals. In Idaho, the purpose of calling community members was first to get constituents to contact their legislators; second, to ask them to sign veto petitions, and third, to persuade them to vote against the propositions. But in Tennessee, the only thing that the public could contribute was to call their legislators (and maybe to donate time or money to the campaign).

I did not find that less restrictive legislation resulted in a greater reliance on institutionalized tactics like lobbying or letter writing. Rather, I found that teachers’ unions, like other organizations that employ professional lobbyists, engage in these activities routinely. Large, well-funded organizations frequently have lobbyists and lobbying agendas already in place, and legislative threats may be either anticipated in advance or added to current lobbying agendas as they arise. Since organizational resources are already vested in lobbying efforts, there is no reason not to include legislative lobbying in strategic plans. Unions may as well use these resources already at their disposal, even if they think a legal strategy is unlikely to succeed. This is not simply a “kitchen sink” approach to strategy; clearly, some tactics were deemed unacceptable or unlikely to succeed. Secondary strategies may be pursued, but may not be the
focus of the organization’s efforts. For example, IEA did not expect lobbying to prevent the Luna laws from passing, but lobbying was attempted anyway. IEA and IPATT then focused their resources on a ballot campaign based on the political cues they had observed, while also pursuing a secondary legal strategy.

Similarly, it is usually very simple and inexpensive to ask members to write letters to legislators. However, these efforts are intensified when larger threats are introduced. Letter-writing campaigns are presented in a more urgent tone, with more frequent reminders to members to write or call their legislators. Websites may be launched to enable supporters to send form letters (although IEA and IPATT were proud of not using this approach).

It’s important to note that “less restrictive” and “more restrictive” is difficult to define, and highly subjective. In absolute terms, Idaho’s Luna laws did not restrict teachers’ collective bargaining as much as did Tennessee’s PECCA, although it did affect more aspects of K-12 public education. But Tennessee was already a more hostile environment for public sector unions than Idaho was, even though both are right-to-work states. Other public sector workers in Tennessee already could not bargain collectively. PECCA was presented as leveling the playing field and taking away teachers’ extra benefits.

However, as I expected, union members did see the loss of their collective bargaining rights as a greater threat than loss of tenure, at least when these were presented as two separate issues. Tennessee teachers who already had tenure were frequently unconcerned about the prospect of losing tenure protections, mistakenly believing that those who already had tenure would be “grandfathered” and unable to lose it. These tenured teachers, due to the nature of tenure (since teachers were eligible for tenure after three years), made up the majority of TEA’s membership.
Idaho has a greater percentage of public employees represented by unions than does Tennessee. However, it is likely that restrictive Tennessee laws contribute to this discrepancy. Given that TEA membership dropped after PECCA was implemented, it’s likely that other unions in Tennessee experience lowered membership rates since collective bargaining is not available to them. Tennessee’s smaller proportion of union employees is likely both a symptom of the state’s hostility toward public employees’ unions, and a cause of the less militant response I observed there.

It may seem that when the dust settled, teachers in Idaho and Tennessee were left in ultimately similar situations. But there are some important differences for both teachers’ careers and unions’ strategic options. First, Tennessee teachers all but lost the right to negotiate with school boards, and no longer receive binding, collectively bargained contracts. Idaho teachers may still bargain on a limited set of concerns, and may still sign one-year contracts on those issues. Contracts for teachers in Idaho are therefore limited, but provide more legal protections than are available in Tennessee.

Idaho, of course, also allows citizen-initiated ballot measures, while Tennessee does not, and the availability of this tactic proved crucial in stopping—or at least hindering—the enactment of the Luna laws. But the ballot campaign also sent a longer lasting message to Idaho legislators. While some of the Proposition 1 provisions were later enacted, laws reminiscent of Propositions 2 and 3 have not resurfaced. In fact, in 2014, Idaho lawmakers approved a bill to pay teachers bonuses for work the school district deemed “above and beyond” their contractual obligations, instead of penalizing teachers based on standardized test scores. In fact, the only dissenting vote in the Idaho House came from a representative who wanted test scores to be a
factor in receiving a bonus. This law was based upon a recommendation from an educational task force that included IPATT co-founder Mike Lanza and IEA president Penni Cyr, and was part of the task force’s teacher career ladder plan, which was supported by Governor Otter. In short, following the proposition campaign, Idaho’s legislature has shown some willingness to accept input from the campaign’s leaders and implement alternative plans for improving public schools in the state. The campaign, at the least, showed legislators that their previous plans were unacceptable to Idaho voters, and the public visibility of IPATT did lead to Lanza’s appointment to the task force.

This is a very different place than where TEA found itself after PECCA passed. Republicans now hold a supermajority in Tennessee, and TEA has struggled to find support for its desired bills. In 2013, for example, Tennessee implemented value-added assessment—which incorporates standardized test scores into teacher performance measures—against strong opposition from TEA. TEA’s legislative reports show little progress in getting union-supported laws passed. In other words, TEA was much less successful than IEA in sending a strong message to lawmakers, and lawmakers have seen little reason to cooperate with the union.

Legislative openness to compromise, as I will discuss in more detail in Chapter 5, is a primary consideration in strategic choice. If unions can negotiate with legislators and reach an acceptable compromise, there is less need to turn to more militant tactics.

**Conclusion**

Both of these campaigns took place in similar states. Politically, both Idaho and Tennessee are controlled by Republicans, and have been for many years. Both have a sizable

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8 That representative, Steven Harris, had introduced another bill that would base teacher salaries more strongly on standardized test scores, as well as student and parent evaluations. Harris’ bill passed the House but died in the Senate education committee.
rural population\textsuperscript{9}, and both are right-to-work states. In both states, teachers’ unions faced similar threats to collective bargaining and tenure. Both laws would have done away with K-12 teacher tenure, and both would have severely restricted collective bargaining. In Tennessee, bargaining was eliminated, while in Idaho, bargaining would have been limited to salary and benefits. However, both state-level political opportunities and potential allies shaped and constrained unions’ strategic choices in each state.

But right to work laws themselves are not the entire problem. While they do weaken unions, they are also a symptom of a larger anti-union political structure. They imply that the state’s legislature—and perhaps, its voters—are willing to pass these laws. In right-to-work states, there are fewer allies both because of right-to-work and because of the deeper problem of anti-unionism in the state. In these states, unions have an incentive to look for partners outside the labor movement. If unions in these hostile climates are to survive, they must be able to work with whatever allies they can find. The problem is that these alliances may be short-term partnerships over a few issues, and that, in the case of IPATT, allies aren’t necessarily pro-union either. It is hard to make a case for union rights when allies are not fully supportive of the union.

Moreover, the right-to-work movement has been gaining ground, and the success of many anti-union bills in 2011 has added to the momentum. Since 2011, governors in three states—Indiana, Michigan, and Wisconsin—have signed right-to-work bills, reigniting a movement that had appeared dormant. Prior to Indiana’s 2012 right-to-work law, the last such law had been passed in Oklahoma in 2001. But Oklahoma’s law was the first new right-to-work law since 1985, and over two-thirds of existing laws were passed in the 1940s and 1950s

\textsuperscript{9} According to the 2010 Census, Tennessee’s population at the time was 33% rural, and Idaho’s was 29% rural, both of which were above the national average of 26%. The racial composition of each state’s population is very different—Tennessee’s population was 17% African American in 2013, while Idaho’s population was less than 1% African American. However, my interview questions did not concern race, and my respondents in these states only mentioned race once, when discussing the diversity of TEA’s board of directors. Therefore, the role of race may be important for future research, but I do not have data to address it here.
(National Right to Work Committee 2015). It’s clear that anti-union efforts are gaining new ground, and the cases of Idaho and Tennessee teach us that unions will need not only to mobilize members, but also to build strong relationships in their communities if they are to fight back against these threats. In the next chapter, I will explore coalitions and fragmentation in greater depth, drawing upon the cases of Ohio and Wisconsin.
CHAPTER 4: ELECTORAL STRATEGIES IN STRONG LABOR STATES

“We had to get a semi to haul [the signed petitions] over to the Secretary of State’s office. We got them to the Secretary of State’s office—these arrangements had previously been made, but when they saw how many there were, they said, ‘Well, you can’t unload them.’ They told them they had to put [the petitions] in a conference room, on the 4th or 5th floor. They said, ‘We have to call in a structural engineer to make sure the conference room will support the weight of all these petitions.’ Ultimately they said it would and it essentially launched the campaign.”
- Larry Wicks, Ohio Education Association

It would be a gross misunderstanding of the 2011 anti-union effort to assume that these bills were only introduced in states where unions have historically been weak. Some of the most highly publicized attacks occurred in places where labor has been strong. In Michigan, for example, right-to-work legislation was passed in 2012, while in Illinois, Senate Bill 7 and union leaders’ attempts to compromise on the bill’s wide-ranging effects on teachers’ unions were met with anger from the rank-and-file membership, especially in the militant Chicago Teachers Union.

But the dynamics of these struggles are different in states where labor is stronger and where there is no right-to-work law. In this section, I discuss two right-to-work states, Ohio and Wisconsin. I chose these states because the laws passed there were specific to public sector employees (unlike in Michigan, for example), because they provide geographical variation from my previous case studies, and because Republicans had only recently taken control of these states’ governments. Unlike Idaho or Tennessee, the partisan shifts in Wisconsin and Ohio were sweeping, abrupt changes. Prior to the 2010 midterm elections, Wisconsin and Ohio had both had Democratic governors. Democrats had controlled both houses of Wisconsin’s legislature, as well as Ohio’s Senate. However, in November 2010, Republican governors were elected in both states, and Republicans gained the majority in both legislative houses in each state. In other
words, Idaho and Tennessee did not experience a dramatic shift in partisan control of the state government prior to the 2011 legislative session, but Wisconsin and Ohio did.

**Ohio: SB 5 and Issue 2**

**Table 4.1: Timeline of Relevant Events in Ohio**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>Strickland education reforms enacted</td>
</tr>
<tr>
<td>November 2010</td>
<td>Kasich elected, Republicans gain control of Ohio legislature</td>
</tr>
<tr>
<td>February 2011</td>
<td>Senate Bill 5 introduced</td>
</tr>
<tr>
<td>March 2011</td>
<td>Kasich signs Senate Bill 5</td>
</tr>
<tr>
<td>April 2011</td>
<td>Signature gathering begins for veto referendum</td>
</tr>
<tr>
<td>May 2011</td>
<td>OEA Representative Assembly authorizes special assessment to fund veto referendum campaign</td>
</tr>
<tr>
<td>July 2011</td>
<td>Signatures verified and Issue 2 certified for November ballot</td>
</tr>
<tr>
<td>November 2011</td>
<td>Ohio voters overturn Senate Bill 5</td>
</tr>
<tr>
<td>November 2014</td>
<td>Kasich re-elected</td>
</tr>
</tbody>
</table>

Prior to the 2010 midterm elections, Ohio’s teachers’ unions enjoyed a strong relationship with the state’s governor, Ted Strickland, who was endorsed by both the Ohio Education Association (OEA) and Ohio Federation of Teachers (OFT) during his first gubernatorial campaign in 2007. As governor, Strickland included the state’s teachers’ unions in discussions of educational policy, and in 2009 he passed sweeping reforms aimed at repairing Ohio’s public education funding system, which had been declared unconstitutional four times since 1994. In November 2010, however, Strickland lost his bid for re-election to Republican John Kasich, who had formerly served in the U.S. House of Representatives. After leaving Congress, Kasich worked as a commentator for Fox News and managing director at Lehman Brothers. Kasich’s transition from Congress to Lehman Brothers was sharply criticized by Strickland, whose campaign ads claimed that Kasich “stepped right through” a “revolving door between Washington and Wall Street” (Strickland 2010).
In addition to winning the governorship, Ohio Republicans also took control of the state’s House of Representatives in the November 2010 election, and retained control of the state’s Senate. The Republican-controlled state government quickly demonstrated that it would not share Strickland’s approach to education reform or close relationship with the state’s unions.

Ohio’s Senate Bill 5 was introduced on February 1, 2011, two weeks before the introduction of Wisconsin’s similar—but better-known—Act 10 (Anon n.d.). SB 5 sought to prohibit public employees from striking, severely restrict teachers’ and other public employees’ collective bargaining rights, phase out teacher tenure, and more. Kasich and other Ohio Republicans, echoing similar arguments in Wisconsin and elsewhere, claimed that this law was necessary to reduce the state budget. However, Ohio’s Republican legislators did not agree on the bill from the beginning, and it took considerable effort to even get the bill out of committee, signaling a potential political opportunity for SB 5’s opponents to lobby legislators (Leighton 2011). Ultimately, Senate President Tom Nielhaus removed from the Ohio Senate Rules Committee two Republicans who refused to vote for SB 5 (Weiser 2011). This avoided a split vote, moving SB 5 out of committee and on to the full Senate.

Ohio’s teacher unions immediately took action against SB 5 as it began to work its way through the legislature, and teachers had a considerable number of allies. Early in the process, Ohio unions—including the OEA, OFT, Teamsters, United Steelworkers (USW), and others—formed a coalition to lobby state legislators and hold rallies in Columbus and other communities across the state. Unlike Wisconsin’s bill, SB 5 did not exclude police and firefighters. These workers were highly visible during protests, leading chants of “No bill!” in Columbus with a traditional bagpipe and drum corps (Jim Siegel 2011).
While thousands of protesters came to Columbus, more weighed in from afar. Tom Schmida, OFT executive committee member and president of AFT local 795 in Cleveland Heights, testified before the state Assembly and organized “cell phone meetings” in his local after work hours. At these meetings, members brought their cell phones and called state legislators to register their opposition to SB 5. But these protests were ultimately unsuccessful. However, while SB 5 ultimately passed by a wide margin in the state House of Representatives, it gained only a one-vote margin in the state Senate—reflecting the disagreement among legislators even within the Republican Party. Six Republican Senators, including the two who were removed from the Senate Rules Committee, joined Democrats in opposing SB 5. Governor Kasich signed the bill into law on March 31, 2011.

When it became clear that lobbying efforts would fail, the labor coalition began meeting to discuss strategies for preventing SB 5 from taking effect. They formalized their alliance, resulting in the creation of We Are Ohio. This organization’s executive committee was made up of representatives from OEA, OFT, American Federation of State, County, and Municipal Workers (AFSCME), Service Employees International Union (SEIU), Communication Workers of America (CWA), and United Food and Commercial Workers (UFCW). While OEA, OFT, and AFSCME represent mostly public sector workers, SEIU and CWA represent both public and private sector workers, and UFCW represents private sector workers. In addition, the AFL-CIO was an ex officio member of the executive committee. Thus, from the beginning, We Are Ohio was a partnership of public and private sector unions. Later, a coalition of police and firefighters’ unions called Protect Ohio’s Protectors was added to the executive committee, and non-union groups such as faith-based and community organizations joined We Are Ohio. A larger steering committee was formed that included unions and non-labor organizations beyond
those on the executive committee. Weekly meetings of We Are Ohio consisted of about 50-60 representatives of 30-35 organizations, mostly unions.

While the executive committee of We Are Ohio was made up mostly of groups that SB 5 would directly affect, it was also contingent upon a buy-in of a $1 million donation to the campaign. So membership was effectively restricted only to the largest organizations that were able and willing to provide significant financial resources to the effort. Making this donation meant that the organization was willing to put forward a large amount of money, but it also excluded organizations that could not do so. These organizations were included in We Are Ohio, but not within the executive committee.

When trying to prevent SB 5 from being enacted, We Are Ohio faced a primary strategic challenge: the coalition’s efforts could be focused on either a citizen’s veto referendum (an electoral strategy) or a lawsuit (a legal strategy). As Schmida explained, a major deciding factor in this choice was the fact that 2011 was an “off year,” with no major state or federal elections taking place. Ultimately, there were only three statewide ballot initiatives, as well as local elections, on the Ohio ballot that year. With so few campaigns taking place, the coalition was able to focus more of its resources on the veto referendum effort, rather than having to concern itself with races for statewide offices.

In addition, working in concert with other groups, We Are Ohio was simultaneously gathering signatures to place another veto referendum on the ballot. That referendum targeted HB 194, which placed several restrictions on voting. By gathering signatures for both bills, We Are Ohio was able to make efficient use of resources such as volunteer time and training, as well as build relationships with additional allies. Union leaders also argued that these bills were
linked, part of a larger effort to suppress disadvantaged groups, and therefore represented one great threat to Ohio’s citizens. Tom Schmida wrote,

“This law [HB 194] is an unabashed attempt by the same people who brought us Senate Bill 5 to restrict access to voting and is a slap in the face to those who have supported the expansion of voting rights. It is no coincidence that these attempts to curtail absentee and early voting are concurrent with our efforts to defeat Issue 2 (the repeal of SB 5). Those voters most likely to be harmed by this legislation are the poor, the elderly, the disabled, and minorities. We must be successful in this petition effort. If not, these voting restrictions will be in place this November and could impact the voter turnout we need to defeat Issue 2” (Schmida 2011).

As a large coalition, strategic decision-making practices within We Are Ohio were complex, and the size of meetings slowed decision-making considerably, causing the executive committee to take over most of these choices. Further, although the executive committee was made up of representatives from only 7 organizations, each of those organizations had its own distinct leadership and decision-making structure through which strategic choices were made. For example, in February 2011, when it became clear that a citizen’s veto was the best option available to Ohio’s unions, the OEA Board of Directors recommended that a special financial assessment of members be implemented to fund this campaign. At the state’s spring Representative Assembly in May 2011, around 1150 delegates from OEA locals voted to approve this recommendation.

The OFT’s federated structure, however, made the strategic decision-making process quite different. OFT, with input from AFT, created a state-level strategic draft that was approved by its executive committee and executive council, but the organization did not have the authority to institute a special assessment of its locals. Instead, locals were asked to make voluntary financial contributions to the citizens’ veto campaign, and 100% of OFT locals participated in some manner, from making large contributions to purchasing their own yard signs. Sue Taylor reflected on these differing approaches to democratic decision-making and fundraising:
“We have to rely on absolute persuasion and we value being able to operate that way because we think it’s best if we’ve made the right decisions statewide, which we do democratically at our conventions where each local sends delegates. But if we’ve made the right decisions statewide, then our job is to convince our members in the locals, and if we’re successful and we’ve made the right decision, then they’ll act accordingly. That usually works better than telling somebody what it is they have to do. Just like in the classroom, if the person that you want to do something believes they should do it, they’re more likely to do it if they believe in it.”

Getting the SB 5 veto referendum on the ballot necessitated a large-scale signature gathering campaign, which began in April 2011 with a rally of over 10,000 people in Columbus. Within a three month period, OEA trained about 7,000 volunteers, who held a variety of signature-gathering events, including going door to door and meeting at public locations. Melissa Fazekas, a spokesperson for We Are Ohio, estimated that there were 10,000 volunteers circulating petitions across the state (Ballotpedia). According to Ohio law, 231,149 signatures had to be collected within 90 days of Kasich’s signing of SB 5, and the signatures had to come from at least half of Ohio’s 88 counties. This requirement for geographic dispersion allowed the two teachers’ unions to fill niche roles: OEA is the much larger union, with about 119,000 active members at the time in locals across the state, while OFT had about 20,000 members, mostly in the largest cities.

We Are Ohio’s signature gathering effort was wildly successful. On the day before the signatures were due, they held a parade through Columbus, delivering over 1,298,000 signatures to Ohio’s Secretary of State, and breaking the record for most signatures gathered for any Ohio ballot referendum. About 70% of those signatures were validated, far exceeding the number required to put the veto referendum on the ballot, and the campaign against SB 5 officially became a campaign to vote No on Issue 2.
With the validation of the veto referendum signatures, We Are Ohio’s strategy shifted from collecting signatures to voter education and get-out-the-vote efforts. However, many of the tactics remained the same. Members attended rallies, went door-to-door in their communities, participated in phone banks, and stood on street corners, waving “No on Issue 2” signs to passing drivers. The high public visibility of rank-and-file members was also an intentional strategic choice. Union leaders felt that the public would be most willing to listen to their own community members, ordinary public workers, and their children’s teachers. To that end, union leaders minimized their own public-facing role in the No on Issue 2 campaign, instead urging rank-and-file members to speak to the media, address the crowd at rallies, and even announce the results of the election to supporters gathered in Columbus. Those results were overwhelmingly in agreement with We Are Ohio: on November 8, 2011, with 61% of the vote, Ohio voters rejected SB 5.

Following their highly successful veto campaign, the member organizations of We Are Ohio chose to continue working together to promote voting rights and oppose right-to-work legislation in Ohio.
Wisconsin: The Uprising

Table 4.2: Timeline of Relevant Events in Wisconsin

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2010</td>
<td>Republican Scott Walker elected governor; Republicans gain control of Wisconsin legislature</td>
</tr>
<tr>
<td>February 11, 2011</td>
<td>Act 10 introduced</td>
</tr>
<tr>
<td>February 14, 2011</td>
<td>TAA Valentine’s Day protest; some protesters choose to stay overnight in the Capitol, marking the beginning of the occupation</td>
</tr>
<tr>
<td>February 15, 2011</td>
<td>10,000 protesters at Capitol; MTI council meeting</td>
</tr>
<tr>
<td>February 16, 2011</td>
<td>MTI sickout begins; 20,000 protesters at Capitol</td>
</tr>
<tr>
<td>February 17, 2011</td>
<td>1/3 of Wisconsin school districts closed as sickout spreads across state; Democratic Senators leave state; 25,000 protesters at Capitol</td>
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<td>February 18, 2011</td>
<td>40,000 protesters at Capitol; Judge refuses to end MTI sickout</td>
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<td>February 19, 2011</td>
<td>68,000 protesters at Capitol</td>
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<td>February 21, 2011</td>
<td>Some WEAC teachers return to work</td>
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<td>February 22, 2011</td>
<td>MTI members return to work</td>
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<td>February 25, 2011</td>
<td>Wisconsin Assembly passes Act 10 in 1:00 am session</td>
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<td>March 4, 2011</td>
<td>Occupiers leave capitol, following a court order to vacate</td>
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<td>March 9, 2011</td>
<td>Wisconsin Senate passes Act 10 without Democrats present</td>
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<td>March 11, 2011</td>
<td>Walker signs Act 10</td>
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<td>June 14, 2011</td>
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<td>July-August 2011</td>
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The 2010 election brought about tremendous changes in the Wisconsin state government. Prior to the elections, Democrats controlled both houses of the legislature, and the state’s two-term governor, Jim Doyle, was also a Democrat. However, following the November 2010 election, Republicans gained control of both the state Senate and Assembly, and Scott Walker, a Republican, was elected governor after Doyle chose not to pursue a third term. Walker had run on a platform of cutting state workers’ wages and benefits, and requiring state workers to pay a larger share of their pension contributions (Pommer 2010, Sullivan 2011).

Wisconsin’s unions and progressive organizations were very much aware of these campaign promises, and they knew that Walker’s election would be bad news. Because polls
had consistently indicated that Walker was the front-runner in the gubernatorial race, these groups knew they had to act. Dan Burkhalter, executive director of the Wisconsin Education Association Council (WEAC, the state-level NEA affiliate), explained,

“It was obvious that Governor Walker was going to attack not just education unions but public sector unions, because he had campaigned pretty directly on that in the campaign. He had tried to polarize against public sector employees and services basically, kind of boilerplate right wing attack on the public sector. So we knew coming in he was going to be hostile.”

Prior to the election, a number of Wisconsin’s public and private sector unions and labor organizations, including WEAC, AFL-CIO, SEIU, AFT-Wisconsin, Teamsters, and the firefighters’ and police unions, had formed a “public sector crisis team” to anticipate and plan for any attacks Walker might launch toward the state’s unions. This team studied the state legislature to determine which elected officials might be receptive to the unions’ needs; brainstormed potential threats that Walker could impose and framing of responses to each one; listed potential tactics, such as rallies, that could be implemented in response to whatever Walker introduced, and put together an outline of a budget for dealing with this new challenge. The boards of each member organization approved this plan, and when Walker was elected, the coalition felt confident that they could begin to respond to whatever legislative threats were coming their way.

In addition, the public sector employees’ unions in Madison already had a strong coalition. Madison Teachers Inc. (MTI) represents about 5,000 education employees in the Madison area, and is affiliated with the NEA and the AFL-CIO. Even before Act 10 was proposed, MTI had extensive partnerships with other unions, including AFSCME and the police and firefighters’ unions, calling their group the Organization to Stop Union Busting. MTI shares a small building near the Wisconsin State Capitol with IAFF Local 311, the Madison
firefighters’ union, and MTI’s executive director John Matthews has been working with the firefighters since 1969.

Though burdensome anti-union legislation was widely expected in Wisconsin, the magnitude of Walker’s attack on public sector unions was not clear until February 11, 2011, when unions learned the content of the bill that Walker planned to introduce a few days later. The Wisconsin Budget Repair Bill, which became Assembly Bill 11 and later, Act 10, went far beyond anything the coalition had anticipated, cutting both the budget for public education and other services, as well as collective bargaining for many workers. While it included Walker’s campaign promises, such as requiring public employees to pay more toward their pensions and health insurance, it also dealt a heavy blow to collective bargaining, limiting most public sector workers to bargaining only on wages, and banning some groups, such as child care workers and University of Wisconsin faculty, staff, and hospital employees, from bargaining altogether. Although Act 10 drew the largest, most prolonged protests and the greatest level of national media attention, it was not the first or only attack on unions in 2011. Governor Walker introduced his budget bill nearly two weeks after the introduction of Ohio’s SB 5. Unlike Ohio’s SB 5, however, police and firefighters retained their collective bargaining rights.

Protests by college and high school students, teachers, and other supporters of public education and organized labor began within three days and continued for several weeks (Anon n.d.). These rallies gradually increased in size, with an estimated 100,000 participants at the largest protest. The coalition went ahead with the plans they had already made, but it was immediately obvious to both unions and their members that Act 10 needed an even more militant response. They began to reevaluate their plans. Mary Bell, president of WEAC, said,

“The phone calls that went out and the kind of activation that we did in order to make visible what [Act 10] meant to my members, the bricks of that were really
kind of already in place. What we didn’t expect was the depth of what was coming, which pushed a far deeper and far broader response than any of us could have anticipated because the response came in equal to the depth of the attack. […] It was not just about salary and benefits. It was not just about pension payments. This was an attack on the very basic pieces that 50 years of collective bargaining rights [had won].”

Alex Hanna, president of the Teaching Assistants’ Association (TAA), an AFT-affiliated union for UW-Madison graduate student employees and the world’s oldest graduate workers’ union, agreed: “When Act 10 came down the pike, it was really surprising to everyone. It was really surprising to teachers’ unions, to everyone we spoke to who was generally in the know.”

With the campus located only a mile from the Capitol, the TAA would become crucial to the resistance efforts.

Protests against Act 10 began in earnest on February 14. On that day, the, TAA staged a Valentine’s Day protest at the state Capitol. The union had already planned this event to protest budget cuts to the UW system, and when the full text of Act 10 was released, they decided to go ahead with it, reframing it to protest Act 10 (Emspak 2012). The TAA intended for people to testify on the bill, understanding that hearings would continue as long as people were still waiting to speak. However, as Valentine’s Day went on, more and more people started to show up, and the line to speak kept growing.

“Around midnight, they said they were going to shut down the hearing, because it had gone all day,” Hanna said. “People were protesting outside, saying, ‘No, let us speak.’ We started chanting, ‘Let us speak,’ ‘We will speak on this bill’. And it caused a real ruckus. The Republicans who controlled the committee said they would officially shut it down around 3 [a.m.], but then the Democrats on the committee said they would keep this hearing going to keep the doors of the Capitol open. So we had this going on all night. A lot of TAA members and our undergraduates stayed the night and camped in the rotunda.”

By February 15, the other unions, as well as non-union members, were showing up. Burkhalter said, “By Tuesday we actually had 10,000 people here and it was just taking off like
wildfire. [...] The students had the idea of trying to take the Capitol, like could we get enough people in the Capitol and sit down in a peaceful protest just as an action to take.” Importantly, an occupation of the Capitol was not planned in advance; rather, this action evolved from the sheer number of people who came to the Capitol, and the TAA’s efforts to keep the hearings going overnight. Initially, the occupiers were recruited by the TAA and other student organizations to speak on Walker’s bill (Greenfield 2011). However, the large number of speakers caused hearings to continue well past midnight, leading legislators to adjourn before everyone could speak. Many of the remaining speakers, angry that they had not been heard, decided to stay at the Capitol overnight rather than going home and returning to wait in line again the next day. Thus began a sit-in that lasted for 17 days, until on March 4, a circuit court judge ordered the occupiers to leave (Anon 2011).

Moreover, while the unions had the idea to turn the protest into an occupation, these groups provided the infrastructure; it could not be said that any particular union, or perhaps any group of unions, “led” the occupation (Emspak 2012). However, the TAA provided much of the support that occupiers needed in order to stay in the capital, setting up a “war room” as an information hub and managing food and water supplies, toilet facilities, and medical care (Buhle 2012). The TAA had not intended to begin an occupation of the state capitol, but once it had started, members of this and other unions and organizations took advantage of the protesters’ emotions and willingness to stay. They collected needed supplies, recruited new occupiers, and set up a schedule outlining which unions’ members would stay each night, ensuring that a minimum of about 500 people were always in the capitol building. The TAA’s unexpected occupation reflects the potential for strategic choices to be made on the fly as new resources become available.
Although the extensive nature of Act 10 took MTI by surprise, just as it did the other unions, it was an easy matter to mobilize this already strong alliance. On February 15, MTI’s leadership called a representative council meeting, which was attended by about 120 people. Those representatives immediately declared that they were going to the Capitol the next day, rather than going to work. Matthews explained,

“That meeting started at 4:15, probably by 6:30 I was on my way back to this office and I called the superintendent then, [...] and I said to him, ‘You need to close the schools tomorrow.’ And he said, ‘What are you talking about?’ I said, ‘Our members just voted that they are gonna engage in political action tomorrow, so I'm telling you I know what will happen. We won't have enough people at school to have a safe learning environment, and you need to close the schools and you better do it by 10 o'clock so it's on the 10 o'clock news.’ He did not. He waited 'til 11 o'clock. I said 10 o'clock because parents need to know, and I told him that. You're only way of notifying parents is to do it before 10 o'clock and get a hold of the television stations. And he did not do that and so he had to deal with the problems the following day.

On Thursday he called me and wanted to get together and said, ‘We are going to seek an injunction against the teachers for striking. I'd like to get together and talk to you about it.’ I said, ‘Well, I happen to be at our legal counsel's office at the moment so why don’t you just come on over here?’ And he and the district's legal counsel came to our attorney's office and said, ‘You know, you're violating the law. You're on strike and there's a law against striking.’ And I said, ‘We're not on strike. We're engaging in political action.’ And I said, ‘Why do you want to make your employees' lives more miserable than they already are? Just give them some time.’ And they said, ‘No,’ they were going to go to court the following day.

So by Friday, actually, we were in court and the judge asked why they were seeking their injunction and asked for our reply and we said, ‘Well a strike is defined in the statute as an action against an employer to extract something of value from that employer,’ and I just looked over and I said, ‘I don't have a beef with these people. We have a problem with the governor, not these people.’ And, the judge said, ‘Sounds like a logical argument to me. I'll give the school district 'til Monday morning to come up with a response.’ And, we had an all-union meeting, all five of our bargaining units together, on Sunday afternoon and they decided they were going to stay out Monday and go back to work Tuesday. So I, at that point, called the superintendent and said, ‘You know, if you just back off, people will be back in the classroom on Tuesday,’ and he agreed to do that. [...] The day we went out we had about 3,000 people there, by the end of the week we had 10,000, and pretty soon we had about 180,000 people who were coming from all over the country.”
So Madison’s schools were shut down for the week of February 14 as MTI’s teachers joined the protests at the Capitol. The other unions’ members got involved as well, and while there was no official general strike in Madison that week, there may as well have been; public services were virtually shut down. The teachers’ wildcat strike spread across the state, but WEAC was hesitant to join in. As Burkhalter recalled,

“By Wednesday night, the next kind of strategic decision we made was ok, it’s not kind of getting anywhere, the Governor and Republicans are making this harder, now what do we do. We actually decided, WEAC decided with AFSCME and AFT Wisconsin that we had to be really careful because it’s against the law to strike here. Even before Act 10 it was against the law to strike. So we were really careful. Mary [Bell] made a speech late in the afternoon but in time to get on the 6:00 news on Wednesday night, really making a call to our members, look into their conscience and decide if they were able to be at the Capitol the next day. If they weren’t, try to find a relative or a parent that could be their representative, and if nobody could come they should go to their house of worship and gather as a community trying to figure out what happens next in Wisconsin. And that led to beginning Thursday about a third of the school districts in Wisconsin closed down because there weren’t teachers there, they had left. That’s when we got to the numbers of 50 thousand, 60 thousand, 100 thousand on the weekend. […] They were there for almost a month occupying the capitol, and the crowds pretty much stayed. They would peak on the weekends to 80, 90, 100 thousand but during the week they stayed pretty much for 3 weeks for 40 or 50 thousand each day.”

The coalition of large labor unions, however, had a strained relationship with the TAA. The TAA felt as though other unions were trying to take charge rather than working in collaboration, and they perceived resentment from other organizations. Distribution of donated funds, for example, was a contested matter, and the unions involved ultimately began to accept proposals on how to use the funds. The larger unions also discussed other tactics of civil disobedience and arranged arrests, which the TAA largely did not support. As the occupation continued, groups such as Moveon.org held solidarity rallies in all 50 states, while in Wisconsin, teachers began receiving layoff notices (Simon 2011, Merrick and Maher 2011).
It is important to note that what was happening inside the Capitol was quite different and separate from what was happening outside. Inside the Capitol were the occupiers, led primarily by the TAA, which made arrangements to provide food, medical care, and other necessities to those inside. Outside the Capitol was, effectively, everyone—teachers, Teamsters, farmworkers, frustrated citizens, and more. And while all of the unions involved had the same goal, the sheer size of the protest made it difficult to plan or coordinate events. Interview participants spoke of “inside” and “outside” as concurrent, related, but very distinct protests. Moreover, while disagreements within and across the alliances—WEAC’s reluctant and tentative support of MTI’s wildcat strike, for example, or the bigger union’s complicated relationship with the TAA—were not characterized by interview participants as an impediment to the protest, they were certainly an additional source of stress for union leaders.

Wisconsin’s Democratic state legislators also staged a protest of their own. On February 17, the third day of Capitol occupations, they boycotted a Republican effort to force a vote on the bill. Twenty senators were needed in order to make up the quorum necessary to call a vote, but with only 19 Republican senators, at least one Democrat would have been required to be present for the vote to take place (Bowers 2011). Instead, in an attempt to prevent a vote on Act 10, all 14 of Wisconsin’s Democratic state Senators left the state, going to Illinois in an attempt to prevent a vote on Act 10 (NPR 2011). There, they were outside the jurisdiction of Wisconsin state police who sought to return them to Madison. The unions did not organize the Senators’ walkout; in fact, it came as a surprise to the protesters.

“So at the same time we’ve got [the occupation] going, we’ve got all of our staff who have historically done legislative contact work, […] they’re trying to get any intelligence they can about what’s happening inside the closed caucuses,” said Bell. “Some of those were a whole lot more secretive than others, but it was pretty clear to us that there was something brewing the day that the Senators left. And then all of a sudden [the Democrats] were gone.”
No such hindrance existed in the Assembly. There, Republicans passed the bill just after 1:00 in the morning on February 25, opening voting for only a few seconds before quickly closing it, giving many Democrats no time to vote (Jones 2011). But without the Democrats present, the Wisconsin Senate lacked the 20-member quorum needed to pass the bill. This stalled its progress for several days, until Senate Republicans found that by removing parts of the bill that pertained to appropriation of funds, a quorum would no longer be necessary.

The occupation ended in early March, with a court order for protesters to leave or be removed from the capitol. To convince the court that the occupation must end, state officials had argued—with questionable evidence to back them up—that the protesters were causing millions of dollars of damage to the building (Weigel 2011). With no Democrats present, the state Senate approved the bill on March 9. Act 10 was signed into law on March 11.

WEAC’s coalition evolved into a formal organization called We are Wisconsin, which focused on the ballot strategy, spending over $10 million on a series of recall elections (Stein & Marley 2013). Similar to We Are Ohio, We Are Wisconsin was made up mostly of unions and labor organizations, including AFL-CIO, AFT, WEAC, and NEA (Anon n.d.). But WEAC described the member organizations as “faith organizations, community advocates, health coalitions, environmental groups, parent organizations, labor and more,” reporting that over 90 organizations sent representatives to the first meeting of We Are Wisconsin (Anon n.d.). Burkhalter described the thinking behind the recall strategy: “[The campaign] took off like wildfire. Why don’t we punish these people right away? The polling showed that we had public support. If public opinion’s with us, then we could knock off a couple of these guys and get the Democrats back in the majority. It might cause the Republicans in the Assembly to soften up a bit and maybe we could take a run at regaining some of what we lost.”
Only nineteen states allowed for recall of elected officials, and only five had ever removed a politician from office via recall, but Wisconsin was one of those five. Both supporters and opponents of the Walker budget bill also engaged in electoral political tactics to attempt to remove particular politicians from office (Ballotpedia n.d.). Walker’s supporters went first, filing recall papers in February 2011 against three Democratic state senators in response to their walkout. (A recall campaign against a fourth Democrat was ultimately unable to collect the needed signatures to place the referendum on the ballot.) In March 2011, union supporters countered by filing recall papers against nine Republican state senators. Recall petitions against six Republican state Senators and three Democratic senators appeared on the ballot. The Democrats needed to gain at least three seats to take control of the Senate, while the Republicans needed to gain one seat for a twenty-member quorum. All three Democrats and four Republicans won their recall elections, while two of the Republican state senators lost their seats to Democratic challengers. This left the balance of power in the Wisconsin senate with the Republicans, though by only a one-person margin.

Governor Walker was not immune to recall threats, but under Wisconsin law, elected state officials may not be recalled until after their first year in office (Blake & Weiner 2012). Efforts to recall him were launched in November 2011, and Walker’s opponents gathered over 900,000 signatures—by some reports, over 1 million (Bauer 2011, 2012). This was far more than enough to put the recall question on the ballot. However, despite the widespread anger toward Walker and his policies, there was no clear favorite to replace him, and pre-election polls consistently predicted that he would stay in office.

In addition, the recall effort was vulnerable to anti-union criticism: Wisconsin for Falk, a group was formed to support Democratic challenger Kathleen Falk, was accused of not being
transparent about its members and donors (Kroll 2012). A journalist for *Mother Jones* found that Wisconsin for Falk was being financed by AFSCME, WEAC, and other unions, but was not required by Wisconsin election law to disclose its financial contributors, leading Walker’s campaign to argue that the group was controlled by "big government, public sector union bosses" (Kroll 2012). However, these organizations, as well as other labor groups such as AFT-Wisconsin, had publicly endorsed Falk (Anon n.d.) (Anon n.d.) (Anon n.d.). Ultimately, Falk lost the Democratic primary to Tom Burnett, the mayor of Milwaukee. Labor was never enthusiastic about Burnett’s campaign. Burnett had already run for governor in 2010, losing to Walker in that election. And things only got worse from there; nearly every pre-election poll predicted that Walker would defeat Burnett.

As predicted, Walker won the recall election in June 2012. It’s hard to tell why Walker won, but neither scholars nor union leaders suggested that the militance of the unions’ tactics put off more moderate voters. Fully 52% of those who turned out to vote were in favor of Act 10 and Walker’s stance on collective bargaining (Dutton & Pinto 2012). And 60% of voters in the recall exit polls believed a recall was not an appropriate way to respond to a bad law; they felt that it should be used when a politician had committed some crime or similar wrong that made him unsuitable to hold office, while another 10% felt that it should never be used at all.

Walker himself also did not pass Act 10, though he supported it and signed it. The legislators were the ones who passed it, and Wisconsin’s voters willing to recall some of them. Walker’s recall happened over a year later than the other recalls, giving public anger some time to subside. Though IEA and IPATT were able to overcome a year’s delay, they did so by showing the public how the Luna laws had negatively affected classroom experiences, and Act 10 did not have the clear effects on children’s education that the Luna laws did. Further, Burnett
was not a strong or popular opponent, giving voters even less of a reason to recall Walker.

Everyone I spoke with in Wisconsin seemed to agree, however, that labor could have won a veto referendum; the only problem was that in Wisconsin, veto referenda aren’t allowed.

It seems, then, that the labor coalition’s problem was one of turning out the vote and convincing voters that a recall was necessary. But not even the coalition itself was united on the merits of a recall. As Dan Burkhalter observed, the recall strategy did not sit well with all of the member organizations of We Are Wisconsin, and in fact, caused some organizations to leave or not join the coalition, due to both financial and strategic concerns:

“In March, April, May we did much more activity with other groups, the environmentalists, women’s groups, pro-choice groups, because in the budget there were all kinds of other atrocious things. They attacked Planned Parenthood, they attacked the whole agenda, whatever the stereotypical agenda is. […] Those groups and individuals were invited to and included under the umbrella of We Are Wisconsin. […] But there are] lots of people that want to be part of a middle class movement that either can’t or don’t want to be directly involved in partisan elections. So because we were moving the election route we lost a lot of them, not most of them but a lot of them. The reason they go away is some of them just their funding sources, whether they’re funded by public dollars or they’re funded by foundations or whatever their tax code is, they can’t do partisan electoral stuff. Part of it is they just weren’t comfortable with it. They were comfortable being in coalition around an issue, but not comfortable being in coalition about politics, because many of them frankly that we were working with on the advocacy end just aren’t political, they tend not to be political entities. And the other part of the story is we, labor, have had a hard time figuring out how to invite people to be a part of We Are Wisconsin and empower them and give them decision making even if they can’t bring the money we bring to it. Because we tend to think of it in a pay-to-play mindset or a transactional mindset. So for example an environmental group that has no money but has 20,000 members on their list, if WEAC is donating $100,000 and maybe they can donate $1,000, how do we accommodate them in a fair decision making process that represents the value of their members even though they’re not putting down a lot of money? That kind of stuff is what we’ve wrestled with.”

Burkhalter’s reflections on money in the campaign are reminiscent of We Are Ohio’s structure, though in Ohio, money bought some organizations a more central place at the table.
There were also significant struggles within WEAC, in addition to disagreement over the teachers’ wildcat strike. The Milwaukee Teachers Education Association (MTEA), which was Wisconsin’s first certified bargaining agent for teachers (WEAC), has a history of strained relations with WEAC. Although MTEA is now a WEAC-affiliated local, from the mid-1970s to the mid-1990s, MTEA was an independent union (Falk 2011). Today, however, this past division is still felt within MTEA, and new disagreements complicated the union’s response to Act 10.

Just days before Act 10 was announced, WEAC publicly announced its support for a plan to divide the Milwaukee school district into four parts. This endorsement was not discussed beforehand with MTEA, and in fact, MTEA was strongly and publicly opposed to the plan. MTEA posted the following statement on its webpage:

“They first time WEAC provided MTEA leaders with any information about their proposals was through a phone call Monday. WEAC had already informed legislators of its proposals. MTEA President Mike Langyel told WEAC that our union absolutely opposed breaking up our district and asked WEAC to cancel the news conference. WEAC refused” (Borsuk 2011).

MTEA leadership and members were outraged over WEAC’s action, and the lack of communication with MTEA. MTEA members were mobilizing to protest WEAC, and some were calling for another disaffiliation from the state-level affiliate, possibly affiliating with AFT instead. But less than a week after WEAC’s announcement, Governor Walker introduced Act 10. The news of Act 10 did not erase the anger and mistrust between MTEA and WEAC, but it did complicate the response and harm collaboration. MTEA often felt that WEAC’s stance was not militant enough (the original disaffiliation had stemmed from disagreement over whether a general strike should be called) and had a history of striking out on its own, even after rejoining WEAC.
Mirroring We Are Wisconsin, Milwaukee had its own coalition against Act 10: We are Milwaukee. But Milwaukee residents’ concerns were different than those of people in Madison. Poverty levels in Milwaukee are very high—over 83% of students in the Milwaukee school district were eligible for free or reduced price lunches in 2011-2012—and race is a critical factor, with 53% of African American men in the city unemployed in 2010 (Gasper, Spiewak 2010). My interview participants in Milwaukee were uniformly aware of and concerned about the intersection of race, class, and sometimes gender. They emphasized the need for better representation and support of people of color, in both education and the labor movement. Only one Madison respondent echoed these concerns about lack of inclusion of minority populations in the unions’ efforts.

We are Milwaukee’s organizational composition was very similar to We are Wisconsin’s; it included MTEA, UFCW, the United Steelworkers (USW), the Milwaukee Area Technical College’s faculty and staff union (an AFT local), and various other private sector unions. It also included non-labor groups like Voces de la Frontera (a Latino/a workers’ organization), representatives from the Democratic Party, Citizen Action of Wisconsin (a progressive group closely affiliated with the labor movement), League of Conservation Voters, faith-based organizations like Gamaliel and PICO, and sometimes even Planned Parenthood. We are Milwaukee became very involved in local politics, especially supporting young, progressive, African-American candidates for office. These efforts were successful at unseating some local Walker supporters.

WEAC, MTI, the Wisconsin Law Enforcement Association, and other organizations filed multiple court cases against Act 10. But by September 2014, the Wisconsin Supreme Court as well as U.S. Seventh Circuit court had both ruled Act 10 constitutional. While John Matthews
issued a lengthy press release condemning the Wisconsin Supreme Court’s ruling against MTI, there was no indication that MTI would appeal to the Seventh Circuit, nor did it appear likely—given two previous rulings upholding Act 10—that the Seventh Circuit would rule in MTI’s favor (Wisconsin Institute for Law and Liberty 2012).

**Discussion**

Right-to-work laws are more than just a single piece of legislation. In addition to their negative effects on union membership and resulting dues revenue, these laws both represent and help to create a political and cultural context in which sympathy and support for unions is diminished. We saw in the cases of Idaho and Tennessee that in right-to-work states, unions struggle to find both allies and popular support.

In states without right-to-work laws, the struggle is different but not necessarily easier. Public sector union coverage and membership, generally, was proportionally highest in non-right-to-work states in 2011. While this means that there are more workers represented by unions per capita of public sector workers in these states (and therefore, more relatives of these workers), it also means that the general public is more accustomed to union presence and mobilization.

This is an important point because ballot tactics, used in both Wisconsin and Ohio, rely completely on gaining voters’ support. In Idaho, having an allied community organization helped IEA dispel fears of “big unionism,” and campaigning on three propositions simultaneously reinforced the message that the union was interested in improving the quality of public education rather than just preserving teachers’ bargaining and tenure rights. But in both Wisconsin and Ohio, alliances were made up primarily of labor unions.
This was especially true in Ohio, where there was little representation of non-labor groups in We Are Ohio, and no representation on the executive committee; We Are Wisconsin fared a bit better in terms of including non-labor allies. And in Ohio, this relative exclusion of non-labor groups was a consequence, if unintended, of the intentional choice to make executive committee membership contingent upon contribution of a large amount of money to the cause. While representatives from both organizations recognized the need to include non-labor allies, neither organization was very successful at doing so.

But in states where union presence is strong, a nearly labor-only coalition wasn’t the impediment that it would have been elsewhere. It did mean that these coalitions had to be particularly careful about framing their campaign messaging—We Are Ohio, for example, relied heavily on rhetoric about how SB 5 would harm public safety workers like police and firefighters, and would therefore jeopardize Ohioans’ safety, while Act 10’s exclusion of these workers made this message less feasible in Wisconsin. Underlying that careful messaging, however, is the assumption that a successful ballot campaign would not focus on teachers, whose collective bargaining and tenure rights were already under fire in the public debate.

In liberal, union-friendly Madison, this wasn’t the case. There was widespread opposition to Act 10, and support for public sector workers; there was also a longstanding partnership between the city’s unions and an open channel of communication between MTI and school district leadership, even if their relationship was sometimes adversarial. Madison, as I heard from both interview participants and city residents alike, nearly shut down for the week of the wildcat strike. Of course, this was in part because the striking workers brought many activities to a halt, but it was also because there was widespread support for the protesters, and because the massive numbers of people who gathered in and around the Capitol—located a mile
from the UW-Madison campus and in the midst of popular downtown businesses and museums—made it hard to do much of anything else in the area.

Wisconsin’s unions and allies used the broadest range of tactical choices of any state. All together, they pursued traditional lobbying; a massive public demonstration; multiple lawsuits; and multiple recall efforts. It is an oversimplification to say that this is just because Act 10 was so far-reaching and so harmful to unions, as many interview respondents did. While Act 10 did have dramatic negative consequences for a large number of public sector workers, so did the legislative threats in other states, especially in Ohio.

Instead, there are alternative explanations for Wisconsin’s wide tactical net. First, and most often mentioned by interview participants, is the fact that Wisconsin’s unions lacked a potential tactic that many of those involved in the effort against Act 10 would have preferred—a citizen’s veto. Interview participants in Wisconsin stated that the veto referendum would have been far preferable to a recall campaign, and they believed that it would have been successful, while the recall campaign as a whole was not.

Second, Act 10’s opponents did not agree on the best course of action following the occupation. The recall campaign was an available choice, and one that seemed to make sense given the outpouring of public opposition to Act 10, but not all of the coalition members agreed. Nor was there a clear choice to replace Walker, and not everyone was enthusiastic about Tom Barrett’s candidacy; after all, labor’s favored candidate had already lost the Democratic primary.

Third, without a straightforward ballot strategy, the only choice left following the bill’s passage was judicial strategies. This did not necessarily require coordination between allies, resulting in many separate lawsuits being filed. And in theory, having multiple lawsuits might
increase the chances of judicial success, assuming they are argued on different legal grounds or before different judges.

This highlights a fourth reason for the wide range of tactics used in Wisconsin: Wisconsin’s relatively fragmented coalition itself. It is not enough just to have a coalition; there must be cohesion and a shared strategic plan. In Wisconsin, there was a large collection of organizations and individuals who all wanted to stop Act 10, but beyond coming to the Capitol instead of going to work or school, there was not widespread agreement on how to do that. And the occupation itself was really multiple protests: inside the Capitol, outside the Capitol, the near general strike in the city and school closures across the state. Act 10’s opponents knew their strategic options were limited, but they didn’t agree on what to do about it. The TAA’s leaders, for example, had little involvement in the recall campaign; MTI was part of the recall but also highly invested in a lawsuit; none of the unions even knew that the Democrats were planning to leave town until it happened. Wisconsin, in other words, is a story of a large group of angry activists with a shared goal but difficulty in reaching a consensus on strategy. Simply forming a coalition is not enough.

We can illustrate this point with the case of Ohio. The member organizations of We Are Ohio did not have the strong, decades-long partnerships of some of the Wisconsin groups. They were, however, dedicated to one goal and one strategic plan. We Are Ohio rejected the possibility of legal tactics after a report from the group’s attorneys stated that such a challenge was unlikely to succeed, and focused solely on the veto referendum. And the coalition was made up of organizations that had existing relationships, but these relationships were not as strong or long lasting as some of those in Wisconsin. Instead, We Are Ohio privileged large unions that brought large donations to the table. And We Are Ohio was the beginning of a closer
relationship for these unions, which continue to work together on issues affecting labor and the working class.

The preexisting strength of the labor movement in Ohio proved to be a key factor in the composition of We Are Ohio, made up almost entirely of unions. We Are Ohio had a highly bureaucratic, hierarchical structure in which leaders of a few large (and resource-rich) unions took command. Its executive committee consisted of six labor organizations (plus the AFL-CIO and, later, Protect Our Protectors, the public safety workers’ union coalition), and the larger steering committee was composed of “virtually all the rest of the public and private sector unions” in the state (2011b). Protect Our Protectors earned a spot on this committee by contributing large amounts of resources to the cause. We Are Ohio took primary responsibility for communicating with the electorate as a whole, while individual unions were charged with contacting their members (McDonald n.d.). This meant that member organizations could fulfill “niche” roles, each reaching out to a specific population of voters. Each individual We Are Ohio member organization—most of which were well-established, longstanding unions—also maintained its own resource pool, organizational structure, membership rosters, and goals that went beyond overturning SB 5. Although non-union groups were part of We Are Ohio, they were not included on the executive committee, and only two non-union groups were part of the steering committee. SB 5 did not affect every union that was part of We Are Ohio, but it did affect all public sector employees’ unions, including teachers as well as police, firefighters, and other workers.

We Are Wisconsin struggled with trying to include non-labor groups, and for the most part, was unsuccessful. Money was a major factor there, as it was in We Are Ohio: organizations that would not or could not fund a recall campaign were not included. The occupation was made
up of a very diverse group of activists, but once this action was over, it was the large, well-funded unions that led the fight. And Wisconsin’s labor coalition grappled with a considerable amount of dissent from both its own members and other unions. Interviews with both TAA and WEAC representatives show that the TAA, despite its centrality to the occupation, was never fully included in the coalition. Later, pursuing the recall campaign alienated those who disagreed with this choice, or who could not engage in electoral politics, leaving a coalition made up mostly of large, well-funded unions.

In contrast, IEA and IPATT used a more egalitarian structure, with each group acting autonomously and filling a niche role in the coalition; IEA provided resources such as funding and training, as well as communication with its members, while IPATT provided media and online outreach, volunteers, and some immunity from opponents’ claims. It was crucial for IPATT members to maintain autonomy from IEA in order to claim this immunity. Thus, the two groups collaborated and shared resources, but were careful to remain independent. While IPATT was formed primarily for the purpose of defeating the Luna laws, its founders plan to maintain the organization and remain active in issues surrounding public education in Idaho.

What does this mean for coalitions? While there is much to be said for long-lasting relationships across organizations, coalitions are also built for more pragmatic reasons. They can form solely for one purpose, and afterwards may weaken (as in Idaho) or form the basis for a long-term cooperative effort (as in Ohio). They may be made up of friends and current allies, like the Madison unions, or of like-minded organizations looking to pool their resources, or of relatively disparate groups pushed together out of political necessity—in Idaho, neither IEA nor IPATT seemed likely to win on their own.
There is an important difference here between starting a small, new coalition with a young organization like IPATT, as compared to starting a large coalition of well-established organizations. In Idaho, IEA and IPATT each had relatively clear, non-overlapping roles to play in the campaigns, but in Ohio, there was a fair amount of redundancy: each member organization of We Are Ohio was responsible for mobilizing its own members, which certainly resulted in a less streamlined process. We Are Ohio’s and We Are Wisconsin’s member organizations—at least those in leadership—were quite resource-rich; IPATT was starting from scratch and relied heavily on volunteer efforts. However, IPATT also contributed additional diversity to the coalition, and paved the way for differences in claims-making. We Are Ohio argued that SB 5 was not just a labor issue, but IEA had significant parental support to demonstrate that the Propositions were about public education writ large.

But Idaho’s coalition was relatively limited and short-term, as compared to those in Wisconsin or Ohio. Long-term partnerships, however, are beneficial for several reasons. First, they result in organizational structures that can be quickly activated when times are bad (Almeida). Second, they demonstrate that solidarity is not just a chant, but also something unions are attempting to practice. Third, they allow for sharing of resources and ideas even when there is no imminent threat. Fourth, they raise the potential for proactive mobilization; if it takes a threat to get a coalition together, there will be no coalition if there is no pressing threat.

Community alliances also help unions to counter accusations of selfish union bosses or lazy teachers. Community partners are immune to accusations that they are only looking out for the union’s or teachers’ personal interests; they can instead say that they are worried about children or public education itself. The choice of campaign “public faces” or spokespeople is crucial, and these people must be as beyond reproach as possible. Having non-union people who
will stand with the union helps to achieve this goal. In places like Ohio, there were few non-labor allies, and so instead the campaign chose to place public safety and health workers in this role. Teachers, it was understood, were too controversial; better to argue for the rights of police officers and firefighters. In Wisconsin, Act 10’s exclusion of police and firefighters meant the coalition couldn’t use a similar frame, but police and firefighters were integral to the coalition.

There is also an important lesson here about overall strategic plans. From the beginning, Wisconsin’s unions used a more militant strategy than any other unions in my case studies. This is due in part to the TAA’s role in organizing the first protest, which morphed into the occupation. The TAA was more willing to take the risks involved with sitting in at the Capitol; their supporters included undergraduate and graduate students who could work while they waited to speak (or who were willing to miss classes in order to stay at the Capitol). This fits well with both Madison’s rich history of student activism and the considerable body of literature on broader student activism; students are the quintessential “biographically available” activists (McAdam 1986). Students who choose to sit in do not have the fear of risking their careers that might hinder the participation of teachers or other full-time workers, and they usually do not have children or other familial obligations that would require them to leave the Capitol. Those who protested outside the Capitol represented groups that did not have such flexibility. They staged a wildcat strike that continued for about a week, which allowed them to go home at night but still left them vulnerable to potential consequences at work. But WEAC was hesitant to support the most militant actions, like the sickout.

Other unions did not use such confrontational tactics. Teachers showed up in relatively large numbers at legislative hearings. They marched, held signs, and sometimes shouted at lawmakers, after which they went home. Of course, these groups didn’t have large numbers of
student activists accompanying them, but in Idaho or Ohio, they also had the potential for a veto referendum if the bills passed, while in Tennessee, teachers’ opposition to the bill was more muted, and there was less hope of winning in the legislature. Wisconsin’s occupiers were biographically available, but they also thought they could win. They also knew they had to win in the legislature, since they did not have a straightforward way to get rid of Act 10 if it passed.

Although it was possible, in all of these states, to pursue multiple tactics at once, this primarily occurred in Wisconsin, where there was no clearly preferable tactical choice. Unions pursued electoral and judicial tactics because they were not confident that either would be successful, because the organizations involved could not agree, and because there were sufficient resources for several tactical choices. In the end, few were enthusiastic about the Democratic challenger in the recall election, and none of the court challenges succeeded. Using multiple tactics did not lead to increased chances of success in Wisconsin; instead, it exacerbated existing divisions within the coalition.

IEA did pursue a lawsuit against the Luna laws, but this was not a central part of the strategic plan, and interview participants did not discuss it. There was a good reason for IEA to use an additional, alternate strategy: only once had Idaho’s voters overturned a law at the ballot box. Though the coalition felt confident that public opinion was on their side, they also hedged their bets by going through the courts as well. Again, pursuing multiple tactics at once was indicative of uncertainty surrounding the preferred tactical choice.

In Ohio, a lawsuit was considered but not filed. The coalition instead poured its resources into a massive veto referendum campaign. Based on their legal counsel’s recommendation, We Are Ohio was confident that the veto referendum was the best option, and public opinion polls indicated that it was likely to succeed.
In summary, my case studies indicate that diversity of tactics resulted from lack of confidence in electoral tactics, as well as disagreement within the coalition. Less cohesive coalitions contributed to this uncertainty, but uncertainty also made coalitions less cohesive. Tactical diversity was “insurance” against potential defeat, as well as an outcome of allies’ disagreement. The amount of resources dedicated to alternative tactics was inversely proportional to confidence in the favored tactic: when coalitions were very confident in electoral tactics, no alternatives were pursued, but when there was not agreement or confidence in any one tactic, substantial resources were expended in both venues.

Conclusion

Teachers’ unions used both large, labor-only coalitions and small, broad-based coalitions to address these bills; they used hierarchical and egalitarian leadership structures; and they were made up of anywhere between two and over two dozen groups. But these coalitions were relatively fragile and short-lived, coming together around a particular issue, held together by tentative agreements on claims and tactics, and often struggling with next steps once that issue had been resolved. IEA and IPATT, although they continue to do some work together, have mostly gone their separate ways. We Are Ohio has found new issues to address, working to defeat right-to-work legislation, advocate for increased school funding and tax relief for the middle class, and protect voting rights. We Are Wisconsin is struggling with the burdens placed on unions by Act 10, and with recruiting a broader set of organizations, but the group has continued its work around the Wisconsin state budget.

In Idaho and Ohio, alliances were crucial to the success of the veto referendum campaign. Like TEA, IEA could not rely on other unions for a strong coalition. In Idaho, a right-to-work state with a much weaker union presence, the bills being proposed affected only
teachers and public schools. Likely due to a combination of these factors, IEA was not able to rely on other unions for support. Instead, IEA found its strongest ally in parents and community members who opposed the Luna laws. IEA and IPATT members had a variety of reasons for opposing the laws, including protecting collective bargaining rights, opposing merit pay, and opposing instruction via the Internet instead of in-person classroom instruction, but by addressing the three laws simultaneously and advocating a “no” vote on all three, the coalition was able to focus on areas of agreement.

But despite union leaders’ reports that certain tactics—usually electoral tactics—were “the only option,” there was never only one option available in my case study states. But some tactics were deemed more likely to succeed than others, and disagreements among allies influenced those decisions. Unions pursued diverse tactics as a result of uncertainty. In addition, judicial tactics were considered a good “backup” choice because they did not require coalition support, could be used in any state, and required resources that unions typically had available already. Electoral tactics, when they were available, were the primary tactics in a strategic plan, though they did not always succeed.

However, even though electoral tactics are available in most states, few unions chose to turn to the ballot box to address legislative threats. In the next chapter, I ask why most states’ unions did not use ballot tactics.
CHAPTER 5: STRATEGY AND RECURSE TO THE POLLS

A young woman stares into the camera, concerned. “Thousands of teachers across Ohio oppose Issue 2 because we care about the kids we teach,” she says. The video cuts first to show her sitting in a library, surrounded by schoolchildren, and then to a crowded classroom scene. “Issue 2 will restrict teachers’ rights to bargain collectively for smaller class sizes, up-to-date textbooks, even negotiating for school safety issues,” she says. The scene switches to a sepia-toned image of children running happily into a schoolhouse, with a large “DANGER” sign superimposed on one wall. “And Issue 2 could mean even more standardized testing, and less time on classroom learning,” she continues, as a machine-graded test form is filled out. “Teachers know what our students need to succeed. Don’t let the politicians take away our right to speak up for Ohio’s children,” she urges us, as we get a brief glimpse of her helping a student. “Vote no on Issue 2” (We Are Ohio 2011).

In the preceding chapters, I’ve discussed cases in which teachers’ unions took to the ballot box to fight back against anti-union legislation. Unions in Ohio, Wisconsin, and Idaho asked voters to weigh in on recently passed laws—or on the politicians responsible for them. And in Michigan, unions mounted a pre-emptive, but unsuccessful, constitutional amendment campaign against anticipated anti-union legislation. But perhaps most interestingly, only in these four states did unions use ballot strategies in their fights against these laws.

This brings us to the larger question: why didn’t more unions turn to the ballot box to overturn threatening legislation? Ballot recourses are available in 34 states—including 15 of the 17 where these bills became law—and are already part of other social movements’ tactical toolbox. However, only in the previously mentioned four states did unions choose to go to the ballot. Why did so many unions not pursue a ballot strategy for preserving teachers’ rights?

In this chapter, I use qualitative comparative analysis (QCA) to determine the causal conditions under which teachers’ unions did not use ballot tactics, such as voter-initiated ballot referenda or recall elections, in states where they had the legal ability to do so. I find that while overarching political contexts matter in unions’ decisions, the nature of threat is a crucial factor,
and one that has fallen out of favor among scholars of social movements. I argue that researchers must re-examine the role of threat in explanations of social movement strategy, and that political opportunity structure theorists should consider threats as analytically distinct from opportunities.

**Hypotheses**

Based upon existing research on social movement strategy, I developed a list of five factors I expected to play a role in unions’ decisions not to use ballot tactics.

State-level legislative threats introduced in 2011 concerned collective bargaining rights, tenure protections, or both. However, some grievances are easier to convince people to mobilize around than others (Snow 2013). Structural and material conditions, such as the existence of social stratification, combine with psychological processes—like assessments of injustice—to create an environment in which individuals might be persuaded to mobilize. Prospect theory suggests that especially when compared to the loss of collective bargaining rights that their colleagues in other states faced, tenure protections might be seen as a lesser threat or a minimal loss. I expect that threats to tenure, because they do not directly threaten the union’s survival and may not affect a large number of union members, will not spark ballot recourses.

_Hypothesis 1: unions will not use ballot tactics when legislative threats concern tenure._

Political opportunity structure suggests that if there are political allies in office, this allows challengers routine access to decision-makers and encourages the use of traditional political channels rather than protest (Jenkins et al. 2003). In other words, the presence of sympathetic legislators—usually Democrats—may lead to successful lobbying efforts. Legislators could be convinced to compromise on a bill that is less objectionable to union leaders, or to defeat the proposed bill. A Republican-dominated legislature, however, may make
compromise less feasible and result in unions turning to the ballot box to defeat harmful new laws.

*Hypothesis 2: unions will not use ballot tactics in states with Republican-dominated legislatures.*

I expected that right-to-work laws would constitute a long-term closure of political opportunities for unions. In states without right-to-work laws, workers who are covered by a collective bargaining agreement must pay “fair share” fees to the union, in support of bargaining efforts from which these workers benefit. However, in right-to-work states, unions must offer to both members and non-members the same benefits, though non-members are not required to pay any fees to the union. This allows “free riders” to enjoy the gains won through the union’s work, but to avoid supporting that work financially. Prospect theory suggests that these workers are acting in a risk-averse manner, favoring a sure gain (a percentage of their pay). Since potential benefits earned through collective bargaining are available to the worker even without contributing to the union, the worker may assume that joining the union will not increase the chances of gaining these benefits, but will certainly result in the loss of some money in the form of dues.

In addition to the clear potential impact on unions’ resource flows, right-to-work legislation implies that the state’s political leaders have been, at least historically, opposed to unions. It also suggests that state legislators have been sympathetic to anti-union organizations, such as the Chamber of Commerce, which are extremely interested in passing right-to-work laws.

*Hypothesis 3: unions will not use ballot campaigns in right-to-work states*
Relatively weaker unions may also make ballot tactics less attractive. Low public sector union coverage means that relatively few workers are covered by—and thus benefit from—a collective bargaining contract, and workers who are not covered may see no benefit to supporting a union-backed initiative. Of course, this assumes that we can rely on workers who are covered by a collective bargaining contract to vote in support of the union. In Ohio, 86% of union members and 73% of public employee households voted against Issue 2—strong, if not unanimous support from these groups (AFL-CIO 2011).

Hypothesis 4: unions will not use ballot campaigns in states with low public sector union coverage

Finally, the relative difficulty of citizen access to the ballot could deter ballot approaches. In some states, only legislatively referred ballot initiatives—that is, questions that the legislature chose to place before the voters—can appear on a ballot. I do not include these states in the set of states that have citizens’ access to the ballot, because these legislative requirements mean that activists must still deal with an unresponsive state legislature, which is unlikely to place on the ballot a question to overturn legislation it has just passed. I do include four other types of ballot access that do not require legislative approval: initiative, veto referendum, constitutional amendment, or recall of state-level leaders. Clearly, not all of these approaches are equally desirable; I assume that unions would prefer to use the veto initiative to a recall, but not all states offer all methods of ballot access.

In addition, signature requirements for getting on the ballot vary by state and by method of ballot access. The number of signatures required to put a question on the ballot is typically a percentage of the number of votes cast in a specified recent election, but that percentage (and the absolute number of signatures it represents) is different from state to state. Moreover, since
voter turnout fluctuates across elections, the number of signatures needed can change from year to year.

Finally, some states have a geographic distribution requirement, mandating that signatures be gathered from multiple regions of the state. In states without a signature requirement, activists could ostensibly collect all signatures in a few busy urban areas, but geographic distribution requirements can make for a more costly and complicated signature gathering effort.

_Hypothesis 5: unions will not use ballot tactics in states with more onerous ballot access laws_

**Data and Methods**

Qualitative comparative analysis, or QCA, produces a “recipe,” or a set of causal conditions that lead to a specified outcome (see McCammon 2012 for an excellent explanation of the use of QCA in a similar study). QCA is based on the logic of set theory, in which each case is seen as a combination of conditions that may have a causal effect on an outcome. It is assumed that these conditions may interact, and that more than one set of causal conditions may produce the outcome in question. The truth table, upon which QCA is based, creates “a framework for comparing cases as configurations of similarities and differences while exploring patterns of consistency and inconsistency with respect to case outcomes” (Ragin 2008: 25). The full truth table for this analysis can be found in Appendix A.

QCA is particularly appropriate when hypotheses are based in set relations (e.g., instances of condition X are also included in set Y). Based upon both previous literature and case studies I have performed, I identified the five causal conditions listed above as potentially important, but I expect that it is combinations of these causal conditions, rather than any single
condition, that leads to the decision not to use ballot tactics. QCA is ideal for determining how complex relationships between these causal conditions lead to a particular outcome, and for preserving this complexity in my results (Ragin 1987: 54-55).

For this analysis, QCA is especially useful because it can explain a “negative” case: the lack of use of a particular tactic, which is not frequently studied. In QCA, the states where these tactics were not used simply form a set, which is analyzed like any other set. Both the analysis and the data provide an opportunity to study why a particular phenomenon did not happen.

Though QCA has been applied to large data sets, it is particularly valuable for smaller sets (Ragin 1987). There are 15 cases included in this study, which comprise every instance of the phenomenon in question. QCA requires knowledge of each case being studied, preserving nuance that may be lost in statistical analyses, yet applies rigorous logical analysis that can be difficult to achieve in some qualitative studies. In this analysis, results will be supplemented with brief case studies of several states.

Using QCA, I examine a particular set of theory-driven conditions, including political opportunity and labor-related factors, and find connections between particular combinations of conditions and outcomes. QCA data was obtained from publicly available sources, such as the U.S. Census Bureau, openstates.org (for information on proposed legislation), the U.S. Bureau of Labor Statistics, and Hirsch and Macpherson’s database at unionstats.org (Hirsch & Macpherson 2003).

First, I determined which states have some form of ballot challenge available—a referendum process that allows voters to reject laws, or to recall elected officials. Of the 34 states that have one or more ballot options, 15 have only referenda, 8 have only recall, and 11 have both. There were 21 states where bills restricting tenure or collective bargaining had at
least a floor vote in the legislature in 2011, and 17 states in which those bills became law. I reasoned that a union would only consider using ballot tactics if a bill actually passed; though an elected official could be recalled even if a bill failed, it is unlikely that a union would resort to a recall campaign simply in retaliation for a bill that could not pass. Of those 17 states, 15 allow some form of citizen ballot access. Since ballot tactics cannot be used where they are not legally allowed, this produced a sample of 15 states.

To examine why unions did not use ballot tactics, I constructed a crisp-set variable that is true in all cases where a legislative threat existed and either ballot initiatives or electoral recall was available, yet unions did not employ these tactics. Crisp sets are binary variables, coded 1 if a case is in the set and 0 if it is not. This allowed me to find combinations of causal conditions associated with no use of ballot tactics despite their availability. Eleven states fit the definition of this variable; in the remaining four (Ohio, Michigan, Idaho, and Wisconsin, mentioned previously) ballot tactics were used.

**Operationalizing Causal Conditions**

I expected that unions were not likely to use ballot tactics when the legislature threatened tenure rather than collective bargaining rights (Hypothesis 1). Therefore, I created a crisp-set variable indicating whether there was a legislative threat to bargaining rights in each state. I also constructed a crisp-set variable indicating whether the state had a Republican-controlled legislature following the 2010 elections (Hypothesis 2). I included two variables that are indicators of economic opportunities and the status of labor in each state: a crisp-set variable indicating whether each state is a right-to-work state (Hypothesis 3) and a fuzzy-set union coverage variable (Hypothesis 4).
Fuzzy-set calibration requires some explanation. Calibrating a fuzzy set variable entails expressing the variable’s value as a degree of membership, between 0 and 1, within the relevant set. A value of 1 corresponds to full membership in the set, while a value of 0 corresponds to full nonmembership, and 0.5 is the “crossover point” at which the case is neither clearly in nor clearly out of the set. It is up to the researcher to make informed choices about how to calibrate variables, based upon theory, case knowledge, or other pertinent information. Ragin (2008) recommends examining the data for natural “breaks” or groupings that can be translated into degrees of membership in the set.

I coded the variable for all 50 states; this allows me to see whether states in my sample skew toward relatively high or low union coverage. Public sector union coverage in 2011 ranged from 72.9% in New York to 11.2% in Mississippi. New York is clearly in the set of cases with high public sector union coverage, while Mississippi is clearly not in the set. But states with lower union coverage than New York can also be considered to have “high” coverage, and states with higher coverage than Mississippi can still be considered “low” coverage. I followed Ragin’s advice and looked at the data for natural clusters of states. There is a wide gap in union coverage between Wyoming (16.4%) and the next highest state, Kansas (22%). Therefore, I calibrated 17% public sector union coverage at 0, or full nonmembership in the set of states with high coverage.\footnote{It is worth noting that four of the five states that banned teachers’ (and other public sector workers’) collective bargaining prior to 2011 have union coverage of less than 17%. These five states—Georgia, Texas, Virginia, North Carolina, South Carolina—have blanket bans on public employee collective bargaining. Georgia makes an exception for firefighters, while Texas has an exception for police officers (Sanes and Schmitt 2014). In these states, public sector union membership rates are lower than in collective bargaining states (Freeman and Han 2012).}

Another “break” occurs between Maryland (32.4%) and Iowa (40.8%). This point also represents an interesting shift in the data. Only one state with more than 40% union coverage is a right-to-work state. Teachers have limited strike rights in two of the 27 states with less than
40% coverage, but in 12 of the 23 states with 40% coverage or higher. I calibrated 40% coverage at 1, or full membership in the set of states with high coverage. There is not a clear break in the data between 17% and 40%, so I used the median of the data in this range, which is 25%, as the crossover point, calibrated at 0.5\textsuperscript{11}.

Finally, I constructed an index of difficulty of getting on the ballot in each state (Hypothesis 5). First, I considered how many and which methods of ballot access are available in the state. I calculated what percentage of the state’s 2011 population would need to sign a petition in order to get a question on the ballot. If multiple ballot access methods were available, I used the signature requirement for veto referenda, which is one of the lowest signature thresholds in each state where it is available. I assumed that activists would prefer to use the veto referendum where it was available, and would only consider a recall if no preferable alternatives were available. Finally, I considered whether the state has a geographic distribution requirement; I assumed that this would constitute more difficulty in getting to the ballot. I assigned an index of difficulty to each state on a scale of 0-1, with 1 representing no ballot access at all.

\textbf{Results}

When interpreting QCA results, two measurements are useful: coverage and consistency. Coverage indicates the degree to which the combination of causal conditions explains the outcome in question. It tells the proportion of cases with the outcome that has been explained by each “recipe.” Consistency indicates the degree to which a particular explanation is a subset of

\textsuperscript{11} Readers may notice that there are more high coverage states than low coverage states. This should not be considered a flaw in the research design, but instead is attributable to the distribution of the data. The point of calibration is not to divide the cases into equally sized groups, but to translate the data to a 0-1 scale representative of the degree to which they do or do not fall into the defined set. If justified by the researcher’s theoretical and case knowledge, it is acceptable to have the number of cases that are “in” and “out” of the set be unequal.
the set of all cases that share the outcome in question; in other words, it is a value between 0 and 1 that shows how consistent the combination of causal conditions is with having the desired outcome.

An initial test of necessary conditions revealed that no single causal condition constituted a necessary condition for the outcome in question. That is, no variable in my analysis was always or almost always part of a “path” to the non-use of available ballot tactics. The results provided in Table 5.1 explain why this is the case.

**Table 5.1: QCA Results**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Raw coverage</th>
<th>Unique coverage</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(High union coverage)*(Lack of GOP legislative control)</td>
<td>0.398000</td>
<td>0.398000</td>
<td>1.000000</td>
</tr>
<tr>
<td>(Low union coverage)<em>(Right-to-work law)</em>(GOP legislative control)*(No threat to bargaining)</td>
<td>0.328000</td>
<td>0.328000</td>
<td>1.000000</td>
</tr>
</tbody>
</table>

Solution coverage: 0.726000  
Solution consistency: 1.000000

QCA revealed two paths to the outcome. In one path, union coverage is high and the state legislature is not GOP-controlled. In the other, union coverage is low, the state legislature is under GOP control, there is a right-to-work law, and the legislative threat does not concern bargaining. Neither union coverage nor GOP-led legislatures are necessary conditions on their own because of this inverse relationship between the two. The interaction of union strength and Republican legislatures is clearly critical, however.

Coverage scores indicate that the first solution is slightly stronger, explaining 39.8% of the cases in my sample. The second solution explains 32.8% of the cases. Taken together, these solutions account for 72.6% of the cases. Consistency scores of 1.0 indicate that every case that
fits one of these two recipes has the outcome in question. In other words, if a state in my sample fits one of these two descriptions, then its unions did not use available ballot tactics.

How do these results apply to specific cases? We can take a closer look at a few states to find out. Table 5.2 lists states that best fit each recipe.

**Table 5.2: Cases Best Matching Each QCA Result**

<table>
<thead>
<tr>
<th>Result</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 <em>(High union coverage)</em>(Lack of GOP legislative control)</td>
<td>Illinois, Massachusetts, New Jersey, Nevada</td>
</tr>
<tr>
<td>2 <em>(Low union coverage)</em>(Right-to-work law)<em>(GOP legislative control)</em>(No threat to bargaining)</td>
<td>Georgia, Oklahoma, Kansas, Utah</td>
</tr>
</tbody>
</table>

Cases that fit the first recipe particularly well are Illinois, Massachusetts, New Jersey, and Nevada. These are places where the political climate was relatively good for unions—Democrats in at least partial control of the legislature, and public sector unions are relatively strong. In these cases, either the threat in question was a relatively narrow restriction on bargaining, or the final bill was the result of a compromise in the legislature.

In Massachusetts and New Jersey, while there was a legislative threat to bargaining, these were not existential threats that would have done away with teachers’ collective bargaining altogether; both banned bargaining on health-related benefits, but otherwise left teachers’ collective bargaining intact. In Nevada, the bill that eventually passed, weakening tenure protections, was the less harmful outcome in a set of education reform bills that could have limited collective bargaining or eliminated tenure altogether, and it was the result of a compromise between Nevada politicians.

Some unions were able to work with lawmakers to arrive at a compromise, but compromise means giving up some of what you want, and there are usually some folks left unsatisfied. Instead, they sought to remove health care from the list of allowed bargaining
topics. In Illinois, Senate Bill 7 made tenure harder to achieve, but did not eliminate it. It did not eliminate collective bargaining rights and contained many provisions with which the unions agreed, due to union negotiation with legislators to reach an acceptable compromise bill. But it did make striking much more difficult, requiring 75% of union members—rather than a majority of just those who cast votes—to authorize a strike. In an April 2011 press release, the Illinois Education Association, Illinois Federation of Teachers, and Chicago Teachers Union (CTU) announced their support for Senate Bill 7. SB 7 saw almost no opposition in the state legislature, passing unanimously in the Senate and with only one vote against it in the House. But as with any compromise, not everyone got what they wanted. The rank-and-file members of the CTU, a more militant organization than the other Illinois unions, were angered to learn that their leadership had backed SB 7 (Uetricht 2014). The CTU president reopened negotiations on the bill and was able to further reduce its negative effects on unions. This was only the beginning of an ongoing battle between the CTU and the state board of education, however, and in 2012, the CTU went on strike for over a week.

In the second recipe, tenure threats were not considered dire enough to take to the ballot, and the ballot was made even less attractive by difficult political circumstances. One such example is Utah, where a bill banning school districts from basing firing decisions on seniority was passed despite Utah Education Association lobbying efforts but without public protest from Utah teachers or efforts to overturn the bill after its passage. Utah law allows for citizen-initiated veto referenda, but there was no effort to place the tenure law on the ballot. Similar bills passed in Georgia, Oklahoma, and Kansas, with relatively limited public protest. Notably, like in Nevada, Oklahoma’s tenure bill was a less harmful outcome; following several attempts in the 2011 legislative session to restrict collective bargaining, teachers were among the few public
sector employees to retain legally protected bargaining rights. After fighting for collective bargaining, the tenure bill may have seemed like a smaller loss.

We can summarize these results as representing two paths to non-ballot strategies. The first recipe describes states in which sympathetic legislators and strong unions combined to produce relatively narrow threats, or where compromise with legislators was possible. Ballot tactics can be avoided if legislators and union leaders can reach a compromise. Of course, unions routinely engage in lobbying, and attempting to compromise or persuade legislators is one of their first responses to objectionable legislation. Ballot tactics, when they were used, followed unsuccessful lobbying efforts. But this result describes states where conditions are conducive to compromise: there is high union coverage and Democrats control at least one legislative chamber.

There are two potential mechanisms of the effect of union coverage on compromise. First, more and stronger unions could mean more lobbyists asking legislators to change their minds on a piece of legislation. Those lobbyists represent a relatively larger percentage of the electorate, and legislators might feel beholden to pro-union voters (or wish to win these voters’ support). Democratic legislators in particular might already be more supportive of unions’ claims. The alternative to this “carrot” mechanism is a “stick”—legislators who represent higher numbers of union-covered public workers might fear losing those votes if they do not reject anti-union legislation.

The second recipe (threats to tenure, in a Republican-controlled right-to-work state with low union coverage) describes a state where unions might see little chance of success if they were to turn to the ballot. The threats in these states are also not existential in nature; limitations on tenure do not threaten the entire existence of a teachers’ union. In addition, political
opportunities in these states are very limited. Existing right-to-work laws are an obstacle for unions, and Republican-dominated legislatures reflect both a government that is less willing to compromise with unions and a conservative electorate that may not support a union-backed ballot measure. And low public sector union coverage means that the state’s labor movement is not well positioned to build a strong coalition for a ballot campaign. This recipe is a “perfect storm” of factors that make ballot tactics unattractive.

Table 5.3: Ballot Strategy Availability and Institutional Success

<table>
<thead>
<tr>
<th>State</th>
<th>Veto available</th>
<th>Recall available</th>
<th>Amendment available</th>
<th>GOP legislature</th>
<th>Institutional success</th>
<th>Used ballot tactics</th>
<th>Used judicial tactics</th>
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Where was compromise possible? Table 5.3 is a simplified truth table, useful for both answering this question and demonstrating the logic of crisp set QCA. It is immediately clear that in states where unions had some measure of institutional success—that is, they were able to compromise with legislators to some degree, either to modify a bill or to lobby successfully against its passage—Democrats usually controlled at least one legislative chamber, and/or the governor was a Democrat. Only in Nebraska (the only state with a unicameral, nonpartisan
legislature) were unions able to negotiate with a Republican-dominated state government. The inverse of this statement is also true: in states where unions were not able to negotiate, Republicans usually controlled the state government. Only in New Jersey—where there was an already-limited threat—were unions unable to negotiate with a Democratically led legislature. Overall, it was not uncommon to reach some sort of compromise—unions in a third of the states were able to do so—and compromise was clearly preferable to electoral or judicial strategies.

We can perform a more formal analysis by using the data in Table 5.2 and the fsQCA software to ask whether the lack of Republican dominance is a necessary condition for institutional success. This analysis results in consistency and coverage of 0.8. That is, a Democratic governor and/or Democratic control of at least one legislative house is not strictly necessary or entirely sufficient for institutional success, but it is highly associated with successful compromise. Interestingly, the presence of a completely Republican-dominated state government is much closer to being a necessary condition for lack of institutional success (consistency and coverage of 0.9). However, Table 3 shows that there are ten cases included in the second analysis—that is, states where unions did not have institutional success—and only five cases in the first analysis; these results are explained by the difference in sample sizes.

**Discussion**

The nature and magnitude of threat was a crucial factor in the decision not to go to the ballot. Threats to tenure (that is, threats that do not affect collective bargaining) appeared in the second solution, lending support to Hypothesis 1. Tenure restrictions are not existential threats, whereas revoking collective bargaining rights could threaten the existence of a union. Union leaders and/or members may decide that tenure restrictions do not warrant the resource-intensive campaign needed for a referendum or recall vote, or they may believe that the electorate is
unlikely to vote in support of the union. Without a sufficient threat, unions don’t turn to the ballot, and tenure limitations are not perceived as a sufficient threat.

Hypothesis 2, concerning a Republican-dominated state legislature, had mixed support. In the first solution, the lack of a completely Republican-controlled legislature made it possible to compromise with lawmakers, or resulted in less dire threats. But in the second, the Republican-controlled legislature was part of the “perfect storm” of factors that discouraged ballot tactics. Right-to-work laws (Hypothesis 3) were another of these discouraging factors in solution 2.

I found mixed support for Hypothesis 4, concerning union coverage. High union coverage was part of the more open political environment that led to compromise in solution 1, while low union coverage contributed to the “perfect storm” that kept unions from the ballot in solution 2.

Interestingly, the difficulty of qualifying a question for the ballot (Hypothesis 5) did not appear in either solution. Onerous ballot access laws were not an important causal condition for deciding not to go to the ballot. And if we look at the states where teachers’ unions did pursue electoral tactics, we see widely varying levels of difficulty of getting on the ballot. In Wisconsin, for example, only recall elections were available, the labor coalition had to wait a year until Governor Walker was eligible for recall, and the number of required signatures equaled 25% of the votes cast for Walker—9.5% of the state’s population. This was a relatively difficult ballot access process, but one that the coalition chose to pursue. In Michigan, signature requirements for a constitutional amendment are much lower than in Wisconsin’s recall process, and there is no distribution requirement. Meanwhile, in Ohio and Idaho, veto referendum procedures required signatures from 6% of the last gubernatorial vote and 6% of registered
voters in the previous election—relatively small number of signatures despite the states’ distribution requirements, not to mention that the veto referendum was a far more attractive strategy than a recall or constitutional amendment. Put simply, if compromise is not possible, and if the threat and perceived chance of winning are large enough, we can expect unions to go to the ballot regardless of the difficulty of getting there.

These results demonstrate two conditions under which unions did not turn to the ballot. In the first, “compromise” condition, unions had easier, cheaper alternatives than the ballot. They chose to work with the legislature, even if the resulting bill was less than ideal, rather than turn to a risky electoral campaign. Their strength and political allies may have prevented stronger threats from materializing. And potential benefits of compromise go beyond avoiding even worse outcomes and saving resources; a compromise also tells members of the public that unions are willing to work with elected officials for the good of teachers and students. In the second, “perfect storm” condition, unions saw little chance of success, regardless of strategies used. Conditions were so bad for unions that they chose not to expend resources on a ballot campaign deemed likely to fail.

There is another option to consider: in 29 states, bills threatening teachers’ bargaining and/or tenure protections were never introduced or never reached a floor vote. There are a number of potential explanations for this. One is that unions in these states might have been so successful at fending off potential threats that legislators never introduced such bills, or that they never made it out of committee (Bachrach & Baratz 1962). Alternatively, unions might have been so unsuccessful that they had already lost some or all of these protections. Finally, in some states, the lack of such threats may not be attributed directly to unions themselves; legislators might have had other concerns or other approaches to budgeting and education reform. Further
research is needed to fully understand the reasons why many state legislatures were quick to take up such bills in the same legislative session, while many others did not consider them at all. While more research is needed to determine why these bills came to a vote in some states and not others, it is likely that, at least in some cases, unions’ strength and sympathetic legislators prevented these threats from materializing.

**Conclusion**

My results offer a compelling case for incorporating threat into discussions of strategic choice. Theories of social movements that focus on the nature of threat as an explanatory measure have become passé as scholars have documented myriad other factors that are important for mobilization. However, we have been too quick to throw the baby out with the bathwater. While, as my results show, threat is not the only consideration in strategic choice processes, activists weigh the nature of current threats and the likelihood of each choice succeeding within the current political opportunity structure. They make strategic decisions based on their interpretation of whether the threat’s expected impact on the organization and its members is worth pursuing a ballot campaign in the current political environment. And when an organization faces a threat that could severely impact its survival, that organization will pursue ballot tactics after legislative efforts have failed, regardless of the difficulty of accessing the state’s ballot.

Further, this research highlights a primary finding in Almeida’s influential work on threat and strategic choice. Almeida argues that if organizational infrastructures built in times of opportunity survive into a period of threat, organization will be more able to escalate in response to that threat. But many of the laws that targeted teachers’ unions in 2011 also targeted these resources and infrastructures. For example, Wisconsin’s Act 10 forces unions to recertify each
year, and Tennessee’s PECCA severely watered down teachers’ collective bargaining rights; other public employees in Tennessee were already banned from bargaining. These bills attempted to drive a wedge between public and private sector unions, between teachers’ unions and other unions, or between labor and the community. Such division can strain the networks unions have built during times of opportunity.

Contrary to Almeida’s findings, my research indicates that threats do not necessarily push organizations to radicalize. Only in Wisconsin and Illinois did strikes occur, and electoral tactics aren’t particularly radical. They are, however, innovative tactics in the context of teachers’ unions. Other social movements have had success at the ballot, and unions often endorse candidates and get involved in routine political campaigns. But for unions, non-routine ballot tactics like initiatives, recalls, and referenda, are innovative. The use of these tactics, borrowed from other movements’ repertoires, suggest that when more routine tactics have failed or are unavailable, threats lead to innovation that may or may not be considered radical. Additional research is needed to determine the conditions under which threats produce a more radical response.

Finally, I suggest that prospect theory provides a valuable tool for making sense of strategic choice processes, especially for choices that seem counterintuitive on first glance. Thus far, little social movement scholarship has employed prospect theory (but see Snow et al. 1998 for one example). But prospect theory provides a more nuanced answer to cost-benefit analyses, and offers a more compelling answer for why action might not be taken in the face of threats. Scholars of social movement strategy should consider the utility of this perspective in future research.
CHAPTER 6: CONCLUSION

Before each state’s bills were signed into law, their unions’ tactics were somewhat similar, but their strategic plans were quite different. In each state, efforts were made to anticipate the types of legislative threats that were coming, and some were more successful than others. Especially in Tennessee and Wisconsin, the severity of the actual legislative threat was far greater than the unions anticipated, and union leaders described being caught off guard or having to reformulate strategic plans at the last minute. However, in every state, the strategic choice process was evolutionary, starting with relatively less militant tactics (lobbying) and gradually moving to larger-scale, resource-intensive tactics. This was the case even when unions were quite certain that lobbying efforts would be unsuccessful. Because unions have already invested time and money into their lobbying efforts, they make use of these existing resources even as they look for other options.

Factors Affecting Strategic Choice

There are seven major factors that led to variation in strategic choice processes across my case study and QCA cases: right-to-work status; availability and nature of allies; current political alignments; availability and nature of ballot tactics; nature of threat; resource availability; and level of public support. These factors are not independent of one another; right-to-work status, for example, affects alliances and resource availability, while political alignments determine threats.

Here, I will discuss each factor individually, as well as in the context of related contributing factors, before drawing broader conclusions regarding strategic decision-making processes.
Right-to-Work Status

Right-to-work laws are present in 25 states, as of May 2015. In Idaho and Tennessee, both right-to-work states, unions were generally smaller, less numerous, and less politically active than in their non-right-to-work counterparts. It is unclear, however, whether right-to-work laws themselves had this weakening effect on unions, or if right-to-work legislation is more easily passed where unions are already weak, but I expect that there is a reflexive relationship between right-to-work and union strength. That is, right-to-work laws are likely passed where unions are weak or weakening, and the laws then contribute to further union decline.

Michigan is an excellent example of a once-strong labor state that experienced significant economic hardship even prior to the 2009 recession, leading Detroit to file bankruptcy in 2013. While union membership has been declining across the country, it dropped faster than the national average in Michigan in the years leading up to the right-to-work law’s passage (Hananel 2013). The law took effect in January 2013, and while both the percentage of Michigan’s public sector workers who are union members and the percentage who are covered by a collective bargaining agreement declined in the following year, these declines were relatively small (Anders 2014). However, many unions’ contracts had not expired when these statistics were reported, and these declines may simply be a continuation of organized labor’s pre-right-to-work losses. It is still too early to tell whether right-to-work will accelerate the decline of Michigan’s unions.

In my analyses, the effects of right-to-work are clearer. Right-to-work legislation is detrimental in itself; it allows workers to “free ride,” reaping the benefits of collective bargaining without paying union dues or fair share fees. This can lead to fewer resources for unions, and

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12 Michigan and Indiana became right-to-work states in 2012, and Wisconsin in 2015, all occurring after the time frame of this study.
lower membership rates. But there are also less obvious effects. This weakening spreads throughout the labor movement sector, leading to fewer, smaller, and less politically powerful labor allies available when times are tough. However, it also pushes unions to form alliances with non-labor groups. Especially in strong labor states, unions often turn to other unions for help, but where labor is weak, unions must build more diverse relationships. These weakened alliances, however, tend to be hesitant or unable to pursue militant tactics, and they are not necessarily long-term partnerships.

Right-to-work status also makes compromise with lawmakers less likely or feasible. There are a few possible explanations for this. One is that right-to-work states tend to be politically conservative, and the anti-union sentiment that resulted in the law’s passage may still be present. Another is that unions themselves tend to be weaker, and legislators may be unwilling to listen to a relatively small and less powerful constituency.

In either case, unions in right-to-work states also do not often turn to the ballot box. One reason is straightforward: Southern states, which make up most right-to-work states, do not have citizen-initiated I&R processes. In the South, only Florida and Mississippi have any form of citizen-initiated ballot processes, and in both states only initiative constitutional amendments are allowed\(^1\). But Western and Midwestern right-to-work states do have I&R processes available, and in these states, unions’ reasons for not turning to the ballot box are heavily influenced by political alignments and types of threats.

Alliances

If unions plan to pursue ballot tactics, allies are necessary. Ballot tactics are time-consuming and expensive. They require gaining the support of at least half (and preferably

\(^1\) It is important to note that in five right-to-work states, teachers could not bargain collectively prior to 2011, and a sixth (Tennessee) joined their ranks that year.
more) of the state’s voters, as well as persuading those supporters to actually show up at the
polls. This is usually a tall order; public sector union membership only exceeded 50% in 12
states in 2010, and only in Alaska and Washington, D.C. did public sector workers make up
more than a quarter of the workforce. Unions that need to garner large amounts of public
support cannot rely solely on their own members and their families. Instead, they must be able
to form and mobilize coalitions with other organizations. In strong labor states, these coalitions
may be made up primarily of unions, but elsewhere, unions must look to non-labor allies to win
broad-based support.

Having allies is crucial for large-scale campaigns, but lack of allies is not what prevents
unions from turning to the ballot. Instead, we must look more closely at why a union may have
few allies. This could simply be a matter of conflicting personalities among leadership, though I
expect that when threats are severe enough, organizations will attempt to put aside their
differences and work for a common goal. This happened in Wisconsin, where some locals had
longstanding disagreements with WEAC, yet still joined in the fight. Moreover, while some
union leaders are paid staff, many are elected, and I expect that members will not reelect those
who cannot negotiate alliances.

Another alternative is that other unions do not think they have a dog in the proverbial
fight; that is, they do not see the legislative struggle as a collective one. This occurred in
Tennessee, where labor was already weak, and the teachers’ union was fighting to keep a right
that other unions did not have. Other unions had their own problems to worry about, and little
interest in supporting TEA. And if unions do not have longstanding partnerships, they may
redouble their efforts to protect their own members’ rights rather than devoting resources to other

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14 Alaska’s large public sector workforce is also highly unionized; over 55% of them were union members. Perhaps unsurprisingly, Alaska did not face a legislative threat to teachers’ unions in 2011.
unions’ struggles. Opponents, of course, targeted specific unions or types of unions in an effort to divide the labor movement sector and reduce solidarity.

A third explanation is the weakness of the labor sector itself. If there simply are few other unions, then there is no choice but to go it alone or ally with non-labor groups. This occurred in Idaho, where there is effectively one state-level union for K-12 teachers, and other unions are relatively weak. Instead, IEA worked alongside a non-labor organization.

When allies are available, they enable strategic options that would otherwise not have been possible. Ballot campaigns, as previously mentioned, would be very difficult to carry out without allies; not only would it be harder to find public support, but these campaigns also require large financial investments that are easier to bear when multiple organizations can contribute or help with fundraising. Large-scale protests like the Wisconsin Uprising would also not be possible with only one organization’s efforts: the TAA was able to organize the actual occupation of the building, while other Madison unions were responsible for the massive protest outside. The occupation also relied on donations and support from sympathizers near and far. And although a two-week long occupation of the Wisconsin Capitol alone would certainly have drawn the attention of activists, scholars, and political observers, it was the spectacle of huge crowds outside the building that garnered mainstream media coverage.

Allies also contribute simple sheer numbers to a campaign, which can translate into tactical diversity. Wisconsin’s unions pursued multiple tactics because there was no clearly preferable course of action, and because they could not agree on an approach. But they also had enough supporters to make these tactical choices feasible. Multiple organizations, for example, filed lawsuits against Act 10, turning relatively straightforward judicial tactics into a lengthy and
complicated process. A smaller coalition with fewer resources might have felt the need to focus its efforts only on one approach.

Finally, it’s important to emphasize that presence and strength of allies is highly influenced by political and economic contexts. This is a story about power dynamics and so-called “big unions,” and coalitions matter if you’re going to fight back against state power. One union alone was never enough to defeat these bills. Workers, even when they were organized, were not as powerful as a few legislators with union-busting goals. It took a coalition—usually a broad, large, or unlikely coalition—to be able to play in the same arena as legislators. Coalitions are necessary to engage in these fights. A single union is relatively marginalized in public debate; many unions, or a coalition of labor and community groups, has a stronger voice. A coalition also has more resources, more potential for community support because it shows that the organization represents a lot of people (not just union bosses, as the right often claims).

Right-to-work laws, as mentioned above, are associated with fewer labor allies. However, labor has been declining across the United States for several decades. Unions must build strong partnerships with non-labor allies if they are to survive.

**Political Alignments**

Right-to-work laws, in most states, represent an existing political limitation on unions, but one that was not passed by the current legislature. However, current political contexts also play a large role in strategic choice processes for several reasons. First, and most obviously, the legislators currently in office are the people who introduced and will vote on the proposed anti-union bill. Unions generally prefer to try lobbying these lawmakers before engaging in public collective action, even if they expect that these efforts will be unsuccessful. After all, unions already have professional lobbyists, and perhaps they can persuade a few lawmakers or even
bring about a compromise with relatively minimal resource expenditure. (There are notable exceptions, however, particularly when threats are especially onerous and expected to pass quickly, or when large public demonstrations can be organized at a moment’s notice. This happened in Wisconsin, where the TAA had already planned a protest that was easily adapted to target Act 10.)

Lobbying efforts are par for the course for nearly any group that wants to influence policy and can afford to hire lobbyists (or can persuade supporters to contact their members of Congress). Wisconsin’s occupation, for example, stemmed from a rally and lobbying efforts, which were tactically similar to what occurred elsewhere. In Tennessee, with very little hope of overturning legislation after its passage, TEA focused its efforts on professional lobbying, having rank-and-file members contact legislators, rallies, and attending legislative meetings en masse. This activism was intended to prevent the bills from passing, and was focused on the legislation that TEA felt most able to influence.

In Idaho and Ohio, unions also worked to lobby legislators, encouraged members to contact elected officials, and held rallies and gatherings at the state capitol. However, as the unions’ chances of success became smaller, they soon turned their attention toward the veto referendum; in Wisconsin, which has no veto referendum, recall efforts formed the basis of a ballot strategy.

With no veto referendum or recall available, TEA instead attempted to compromise with legislators. Originally, legislators had sought to remove any need for school boards to meet with teachers’ organizations, but TEA credited its members’ lobbying efforts with the adoption of collaborative conferencing instead of outright repeal. TEA drew some support from allies, but this support was largely limited to matching lobbying efforts from sympathetic groups (whose
lobbyists often worked alongside TEA lobbyists on other bills) and urging members to attend TEA-sponsored rallies. However, teachers were the only public employees in Tennessee who had the right to bargain collectively, and the proposed cuts to collective bargaining and tenure targeted only teachers (Wagster Pettus and Schelzig 2011). They had no direct effect on other public employees’ unions in the state.

These initial lobbying efforts make sense, given that unions already have paid lobbyists on retainer, and that letter-writing campaigns are relatively easy and low-risk actions for rank-and-file members who may not otherwise be particularly politically involved. And with at least some Democrats in every state’s legislature, there is always someone who might listen. Democrats have long been more sympathetic to organized labor than Republicans, though neither party is solidly or reliably pro-union. Still, Democrats controlled nearly every state legislature in which compromise occurred, and Republicans controlled nearly every legislature that did not compromise. Moreover, the most far-reaching bills were introduced in Republican-controlled legislatures. Democrats, therefore, generally introduced less onerous bills and were open to working with union representatives to arrive at a compromise.

This does not mean that public protests did not occur in states with Democratic legislatures. Protests convey a message of public anger and union solidarity to lawmakers, in hopes of swaying their votes. They may also be organized by individuals or locals, rather than by the state-level leaders who are engaging in lobbying or negotiation. But most states’ unions preferred to begin with more institutionalized tactics and escalate if necessary. Where Democrats were in power, there was usually no need to turn to more militant tactics.
Ballot Tactics

For teachers’ unions, ballot tactics are quite militant. With some notable exceptions, teachers’ unions tend to be tactically conservative: they prefer institutional approaches such as lobbying and engagement in routine electoral politics, and do not often engage in highly disruptive actions. Endorsing a candidate, for example, is a routine political matter (unless that candidate is particularly radical or divisive). While some movements have had great success by placing questions on state ballots, unions have not often pursued this tactic. But when harmful legislation is passed, ballot tactics are often among the few options for unions.

That said, not all ballot tactics are created equal. When attempting to overturn a law at the ballot, a veto referendum is the most direct approach, and is preferred over other forms of initiative or referendum. In Wisconsin, where no veto referendum was available, union leaders lamented the lack of this option, but still chose to pursue another ballot strategy, attempting to recall several state-level elected officials. Recall elections, however, do not directly address the law in question: the nature of the tactic meant that the Wisconsin recalls asked voters to remove particular lawmakers from office, rather than to accept or reject Act 10.

In most states where anti-union bills became law, some form of ballot tactics was available, and in four states, unions took advantage of this option. But these tactics are not available in all states, and are clearly not potential choices where they are not allowed, reminding us that variations in state laws constitute differing political opportunities or restrictions for organizations in each state.

Nature of Threat

In a broad sense, the state-level threats I examined were similar. All of them targeted at least teachers’ unions, and usually other public sector employees’ unions as well. All sought to
limit or eliminate tenure or collective bargaining protections (or both) for teachers. In states like Ohio and Wisconsin, the legislative threat was very broad, targeting all or almost all public employees. Idaho’s Luna laws were perceived as a threat to both the teachers’ union and public education more broadly. But in Tennessee, the collaborative conferencing bill affected only public school teachers.

So there were differences in the type and scope of the threat in each state. Some bills made tenure harder to earn and/or easier to lose. Some eliminated tenure altogether. Some banned school boards from engaging in collective bargaining with teachers, while some banned all public sector workers’ collective bargaining, and some sought only to eliminate a particular topic (such as health insurance) from bargaining. In other words, some bills, especially those banning collective bargaining, were existential threats to teachers’ unions, while others represented a relatively minor setback.

It should come as no surprise that organizations respond differently to differing threats. Limitations to collective bargaining provoked the most resource-intensive or militant responses. We can see a similar response to efforts to pass right-to-work legislation in historically strong union states. These are political developments that, if enacted, could remove or severely impede unions’ ability to organize workers, retain members, and advocate on their behalf. Threats to tenure, however, have the potential to significantly alter the working environment for teachers, but they do not spell doom for a union. Moreover, teachers as well as members of the public have been influenced by anti-tenure rhetoric. For example, many of Tennessee’s teachers believed that tenure was not necessary to protect “good” teachers from being fired. They also mistakenly believed that under the new law, teachers who had tenure could not lose it. These sentiments were difficult for TEA to overcome. Finally, tenure threats sometimes accompanied
threats to collective bargaining, and not all unions were able to persuade members or the public to view these bills as part of a larger assault on unions. For these reasons, it was difficult to persuade union members to mobilize against tenure threats.

The reasons, therefore, why threats are important to strategic choice are more complex than they initially seem. Union leaders weigh the severity of the threat and decide on the amount of organizational resources to put into the fight. Members also make decisions about the level of their own involvement warranted by the threat; they consider its potential impact on their jobs, the amount of time or money they are willing or able to devote to the cause, and the likelihood of the campaign’s success, among other factors. Potential allies also consider threats in their decisions to join the coalition or not; as previously discussed, existing partners or organizations also affected by the threat have a greater incentive to join the coalition than those who are not affected or have already lost the legal protections in question.

**Resource Availability**

Teachers’ unions are among the largest unions in most states. The NEA is also the largest union in the United States, while the AFT is not far behind. This means that teachers’ unions have relatively large amounts of resources—money, paid staffing, and members’ volunteer labor, among other forms of resources—at their disposal. They often have on retainer legal counsel, lobbyists, and other professionals whose work is a necessary component of the union’s strategic plans. And while many of the tactics I have discussed can be implemented using unions’ existing resources, ballot campaigns often require even larger amounts of money and human labor power. This is one reason why allies are so crucial to ballot campaigns. We Are Ohio required at least a $1 million buy-in from all organizations on the executive committee;
some organizations contributed much more. (OEA, the largest contributor, gave $5 million to the campaign.)

In Idaho, the NEA contributed over $2.7 million. IEA and its PAC gave over $265,000 to the proposition campaign (Saunders 2012). But the list of donors to the Vote No campaign is further evidence of how few allies IEA had. After NEA and IEA, the next largest donation came from the Ballot Initiative Strategy Center, an organization that advocates for progressive ballot measures and is closely connected to labor (Ballotpedia). Another large donation came from Anthony Balukoff, the chair of the Boise School Board and the Democratic candidate who ran unsuccessfully against Butch Otter for Governor of Idaho in the 2014 elections. And remaining large donations came from IEA-affiliated locals, the Boundary County Democratic Central Committee, and the Pacific Northwest Regional Council of Carpenters—the only other union to donate to the campaign.

There were numerous small donations from individuals toward these campaigns. While those donations were undoubtedly helpful, the vast majority of the money spent came from large organizations. This allowed the unions to focus on the campaign itself, rather than on fundraising, and members could volunteer their time—arguably more important to the campaigns than their money was. And in these cases, the unions outspent their opponents considerably. In Wisconsin, however, the coalition against Act 10 was outspent in all of the recall races (Wisconsin Democracy Campaign). In the gubernatorial recall, Walker’s campaign received over six times as much in donations as Barrett’s did (Milwaukee Journal-Sentinel 2014). This does not necessarily mean that the side that spends the most money will win; it could also mean
that allies’ and the public’s apathy toward Barrett’s campaign and unwillingness to recall Walker is reflected in their unwillingness to give more money to the campaigns.15

In general, ballot campaigns hinge in part on the ability of unions to raise money and solicit volunteers to knock on doors and make phone calls on behalf of the campaign. Teachers’ unions that pursued ballot campaigns did not have a problem with achieving either of these things, though in Wisconsin, large contributions from conservative groups outweighed large contributions from labor and progressive groups. Clearly, allies and right-to-work status affect resource availability, but so do levels of public support.

Public Support

Some campaigns do not require widespread public support. Lobbying takes place behind the scenes, for example. Judges are, in theory, not swayed by public sentiment on an issue, though both supporters and opponents file amicus briefs in cases relevant to their interests, and it would be naïve to assume that judges are not at least aware of public debates on contentious topics. Protest organizers generally want to encourage as many supporters as possible to participate, and part of the point is to win onlookers’ support. But ballot tactics cannot succeed without popular support, and perceived inability to garner this support makes ballot tactics far less appealing.

Here, teachers’ unions are fighting an uphill battle. In historically strong labor states, like Wisconsin or Ohio, public support for labor is relatively high. But this is not necessarily the case in right-to-work states, and across the country, anti-union organizations have targeted public

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15 It’s worth noting, though, that Barrett’s campaign received a much larger proportion of its funds from in-state donors than did Walker’s campaign (71% vs. 46%). However, the average donation to Barrett’s campaign was only a little more than half as large as the average donation to Walker ($68 vs. $125).
sector unions, and teachers’ unions in particular. It is important to keep in mind that these legislative threats are part of a larger, national campaign to limit unions.

**Local Responses to a National Threat**

The introduction of similar anti-union legislation in nearly half of the states simultaneously was no coincidence. Interview participants frequently attributed these attacks to conservative and corporate interests, such as the American Legislative Exchange Council (ALEC) or the Tea Party, and noted strong similarities between, for example, Ohio’s SB 5 and Wisconsin’s Act 10. ALEC is a group funded by wealthy corporations that brings together conservative politicians and private sector lobbyists to craft “model legislation”. These bills, written to further both corporate and conservative interests, are then taken home by legislators and introduced in their respective state legislatures. This process means that strikingly similar bills can be introduced almost simultaneously across many states.

But is ALEC’s model legislation actually to blame for the bills introduced in state legislatures in 2011? Indiana provides us with an excellent example. ALEC published Indiana’s Senate Bill 1, passed by the state’s General Assembly and signed into law, as an example of legislation that is “similar to existing ALEC model legislation, including Charter Schools Act, School Scholarships Act, and Early Graduation Scholarship Act” (American Legislative Exchange Council 2011a). ALEC notes, “The components in this Act have created the nation’s largest school voucher program, among other reforms.” SB 1 weakens tenure protections, with layoffs based on performance (including standardized test scores) rather than seniority, and with two consecutive poor evaluations (also including standardized test scores) leading to dismissal of tenured teachers. In addition to SB 1, ALEC provides a list of other bills introduced in the
Indiana legislature in 2011 that were also drafted by the ALEC Educational Task Force, including SB 575, which limits teachers’ collective bargaining to wages and benefits.

My case study states were also influenced by ALEC’s efforts. One legislator, ALEC member Shannon Jones, sponsored Ohio’s Senate Bill 5. People For the American Way found numerous similarities between SB 5 and four pieces of anti-union ALEC model legislation (People for the American Way). Idaho Democrats claimed that the Luna laws were “near duplicates” of model bills that had recently been featured in an ALEC newsletter (Ravitch 2013). And William Cronon, a UW-Madison history professor, found himself facing demands from the Wisconsin Republican Party for the release of his email correspondence after he published an essay suggesting that ALEC was behind Act 10 (Fischer). But later analyses indicated that Cronon was right; Act 10 was similar to three existing or proposed pieces of ALEC model legislation.

ALEC’s model legislation demonstrates that the political effort against teachers’ unions in 2011 was a concerted and national attack, while unions’ responses happened at the state level and were not always well organized in that venue. Even in states where the union’s effort was successful, such as Idaho, this was one victory in a sweeping tide of anti-unionism. State-level unions did not mount a visible, cross-state or national campaign against what was recognized by many union leaders as a national threat. In other words, unions did not respond to these threats in the venue chosen by their opponents.

The right has been putting together a big national level campaign for many years; the breadth and depth of ALEC’s work is a reflection of that planning. The unionized left, in general, is struggling to keep up. We can see something similar by looking at the Tea Party and Occupy. On a national level, the Tea Party has multiple large, well-funded organizations that
agree on basic principles, even if they don’t agree on everything. And while Occupy, by its very nature, does not have this sort of money or top-down organizing, it also took a long time for Occupiers to figure out exactly what they, as a group, wanted to accomplish.

This means that the left has been caught far more off guard by anti-union bills than they should have been. Wisconsin folks said they saw something bad coming, but they didn’t think it was going to be bad to the extent of Act 10. They were left scrambling to respond. TEA was blindsided by PECCA. But Republicans, with the help of allies like ALEC, had been working to set up political situations where these bills could pass. They had long since drafted components of the 2011 anti-union legislation—some of the ALEC model bills I have discussed were written several years earlier—and the Republicans’ widespread success in the 2010 midterm elections provided exactly the environment they needed.

What does this mean for the states that didn’t go to the ballot? Were they caught even more off guard? Were they resigned? Do they think they can fix it in the long run? Are they giving up? Changing the nature of what it means to be a union? My analysis indicates that they are far from giving up or resigning themselves to their fate, but when they can’t compromise with the legislature, they often find that ballot tactics could not succeed either. There is also a larger story here about the national debate on teachers and teacher unionism. Anti-union folks have been highly successful in placing into public debate the idea that teachers are lazy and overpaid, that teachers’ unions benefit only union bosses and harm students, and that legislators know best how to reform public education—by weakening those unions and making it easy to fire “bad” teachers through the repeal of tenure. Unions are not just fighting against the laws themselves. To win at the ballot—whether in routine elections or veto referenda—you must win in this public
debate. Voters must be convinced that the union’s cause is just, and that its members should not be subjected to the limitations that these bills would impose.

**Why Target Teachers?**

Weakening labor, of course, has long been a priority for both conservatives and corporate interests. But why target unionized public sector workers, and public school teachers specifically? One answer is that teachers make up the largest proportion of U.S. organized labor. The NEA is the largest labor union in the United States, and the AFT has very powerful (and militant) affiliates in some urban areas, like New York and Chicago. Weakening teachers’ unions, and public sector unions more broadly, is a heavy blow to the U.S. labor movement.

Another is that tenure gives public school teachers some degree of job security, making it more difficult to fire them and hire lower-paid (and less experienced) replacements. Generally, new teachers are hired on one-year probationary contracts, which school districts may choose to renew or not. If the teacher achieves a satisfactory evaluation and the contract is renewed for several consecutive years—typically three—then tenure is granted. Earning tenure means that teachers are no longer “at will” employees and cannot be fired without just cause. In order to fire a tenured teacher, the school district must show evidence of wrongdoing or incompetence at a hearing in which the teacher can defend him- or herself. This means that it is much more difficult to lay off tenured teachers. ALEC’s model bill, “Teacher Quality and Recognition Demonstration Act” (American Legislative Exchange Council 2002), eliminates K-12 teacher tenure altogether, while another model bill, the “Great Teachers and Leaders Act” (American Legislative Exchange Council 2010), makes it possible for teachers to lose tenure after earning it.

Many of these pieces of legislation have high-stakes standardized testing as key components, often factoring students’ test scores into teacher evaluations. And this testing is an
industry worth millions—or even billions—of dollars (Figueroa 2013, Frontline 2002). Students may take a dozen or more of these tests per year, and school districts pay hundreds of dollars per student annually for testing (Strauss 2013). There is a corporate interest in increasing the number of high-stakes standardized tests in K-12 classrooms, and in linking teacher pay with students’ performance on these tests.

There is also the push toward school privatization to consider. Charter schools and voucher systems (now called “scholarships”) funnel money away from already-struggling public schools and into non-union competitors (Goodman & Gonzalez 2010). At least in some areas, charter schools are run as “high-growth, very stable, recession-resistant business […] a two and a half billion dollar opportunity set annually.” (Strauss 2012). One needs only to look at the website of Charter School Business Management, a corporation that offers financial planning and consulting to charter schools, to understand the connection between charter schools and business interests: “Educating your students and managing your multi-million dollar business…a fine balance,” reads the banner on the site’s front page (Charter School Business Management 2013). ALEC offers two pieces of model legislation for promoting charter schools, the “Charter School Growth with Quality Act” and the “Next Generation Charter Schools Act” (American Legislative Exchange Council 2007, American Legislative Exchange Council 2011b).

Further, legislation limiting collective bargaining rights is only one method currently being used to weaken public employees’ unions; for example, in December 2012, Michigan—which has historically been a strong labor state—passed right-to-work legislation, and We Are Ohio is currently working against efforts to do the same in Ohio.

What does this all mean? It is not my intention to give fodder to conspiracy theorists; rather, it is important to note, when discussing social movement strategy, that these attacks on
unions were far from isolated incidents. Calling them concerted attacks is likely a step too far, but there was an intentional, cooperative effort on the part of Republican state legislators and corporate representatives to introduce very similar pieces of pro-business and anti-union legislation in many states simultaneously. Rather than introducing these measures at the federal level, where they would have been unlikely to succeed due to the Democrats’ control of the Senate, the alliance instead chose a state-by-state strategy that guaranteed at least a few victories. We’ve seen this incremental legislative approach used by other movements, like the anti-abortion and pro same-sex marriage movements. But what is striking is that labor did not respond with a concerted, cross-state effort, instead addressing these bills only at the state level. And often, their response consisted of lobbying, perhaps a small public demonstration, but not a large-scale effort to fight back. Opponents presented a concerted anti-union effort, but unions did not present a concerted response.

This is why, even though unions won some victories in a few states, the larger anti-union tide is still rolling. The venue mismatch between labor and its opponents means that the national legislature is not being pressured to take up what is left to be considered a “states’ rights” issue. It also means that the opposition is playing on a larger field. The state-by-state strategy is not sustainable long-term; there must be a national political discussion on America’s teachers and the protections we afford to them. Unions must partner with community organizations and grassroots leaders to foster these discussions, and they must re-invent teachers’ unions as allies of students and parents rather than as the adversaries their opponents have painted them as. Unions must break out of the narrow box of the labor movement, a movement that has been in steady decline, and form real, lasting relationships with their communities if they are to survive in a meaningful form.
They must also organize the organized. My interview participants frequently spoke of members enthusiastically showing up to volunteer for political campaigns. But where had these members been? The 2011 legislative threats, for some unions, helped to shake up members’ servicing mentality, but union leaders are unsure whether this shift is long-term. It does not appear to be, for most members. Some rank-and-file members were elected to union leadership positions following their campaign involvement, but most seem to have gone back to their former level of involvement. This brief flash of social movement unionism is not enough. Neither is a purely reactive form of politics; unions must organize their members, integrating them into decision-making structures and underscoring the need to be proactive in protecting their rights. After all, propositions can be put on the ballot proactively; public demonstrations can be proactive. Being on the defensive is an unenviable position. But the unions that I studied were almost invariably on the defensive in 2011. The case was even worse in Idaho and Tennessee, where unions had long been on the defensive. Coalitions may help to foster a more proactive stance. A long-term, visible, engaged, and grassroots-based coalition can change voters’ perspective on unions.

What is interesting to note, however, is the success some teachers’ unions have had in fighting back against these attacks, and the vital role coalitions have played in these victories. In both a solidly Republican, right-to-work state and a swing state with a strong labor history, unions were able to form coalitions and adapt this tactic to the political opportunities available to them. Recall that coalitions have three goals: bringing about some political or social change, educating the public, and sustaining resource flows necessary to continue this work. In Idaho and Ohio, union members demonstrated the flexibility of coalitions in achieving these goals.
These coalitions were able to overturn harmful laws; educate voters and get out the vote; and pool resources or bring in additional funding for the proposition campaigns.

Threat alone is not enough to explain variations in strategic choice, but neither is the simple lack of an available tactic. Movements make strategic choices from a relatively static set of tactical repertoires; however, even highly similar threats to highly similar organizations produced quite different strategies. The presence—or absence—and strength of allies proved to be critical in all cases; while it’s hard to argue that TEA would not have pursued a veto referendum given the chance, the lack of strong organizational allies make it difficult to say how such a campaign would have been conducted.

I echo the call put forth by previous authors for a renewed focus on coalition efforts and social movement unionism by scholars of labor and social movements, as well as by activists themselves. Future research must examine the role of cooperation, active rank-and-file participation, and coalition work in overcoming union-busting laws and policies. With the labor movement continuing its decline in the United States, it is crucial for unions to join together with one another as well as with sympathetic non-union allies.

**Political Opportunities After the 2014 Midterm Elections**

In November 2014, Scott Walker made history by being elected for the third time in four years: his initial election, recall, and reelection efforts. But Walker’s win was only one of many in the tidal wave of Republican victories in the 2014 midterms. Governors who signed the most egregious of the anti-union laws I have discussed—Walker, John Kasich in Ohio, Butch Otter in Idaho, Bill Haslam in Tennessee, Rick Snyder in Michigan—all won reelection easily. With 52% of the vote, in fact, Walker’s win was narrower than most of the others’. Kasich won with nearly 64% of the vote, and Haslam gained over 70%. These Republican gubernatorial victories
accompanied huge Republican wins in the U.S Senate, giving the party control over the federal legislature.

Still, some of the lessons of 2011 have not been forgotten. By September 2014, John Kasich had backed off on right-to-work in order to court votes from pro-union Ohioans. In reference to union supporters, he told the Cincinnati Enquirer, “I would like to have their votes. I respect them. And, you know, Senate Bill 5 was something we lost, and I got the message. I wish they weren't mad” (Thompson 2014). But even following the election, Kasich’s stance on right-to-work was tepid. In a February 2015 speech to West Virginia Republican leaders, Kasich stated that right-to-work was not necessary in Ohio so long as good relations are maintained between unions, businesses, and the state (Gutman 2015).

These victories added momentum to nascent (or, at least, widely anticipated) 2016 Republican presidential campaigns, but the shadow of 2011’s anti-union legislation is still present. Kasich is often mentioned as a possible candidate, and his more moderate view of right-to-work may be an attempt to appeal to moderates and voters in states without right-to-work. And Scott Walker, also a potential presidential candidate, faced widespread criticism after he responded to a question on how he would respond to terror threats from ISIS by saying, “If I can take on 100,000 protesters, I can do the same across the world” (Gilbert 2015). While Walker scrambled to do damage control in the wake of this statement, his opposition to organized labor remained strong following his re-election. In March 2015, Walker signed right-to-work legislation in Wisconsin. It remains to be seen whether either approach to labor relations—Kasich’s tempered stance or Walker’s aggressive opposition—will resonate with Republican primary voters.
The political context for public sector unions in the U.S., in other words, has largely
gotten worse since 2011, but the political debates around labor are poised to play a large role in
national politics. Despite the success of the Idaho and Ohio veto referenda, electorates have
overwhelmingly supported the politicians who passed these and similar bills. We should not be
surprised to see further efforts to pass anti-union legislation at both the state and federal level in
the years to come. We might expect that President Obama will be unwilling to sign at least some
such laws, and Congressional Republicans will have difficulty mustering the necessary votes to
override a presidential veto, but no such hurdle exists in many states. The militant Chicago
Teachers Union, for example, will likely find some support in the state’s Democratically-
controlled legislature, but incoming Republican governor Bruce Rauner’s campaign pledge of
creating “right-to-work zones” in Illinois is surely concerning to unions across the state (Tareen
2014). And with the political gains made by unsympathetic politicians, including some (such as
Joni Ernst, the new freshman senator from Iowa, whose campaign ads proclaimed that her
childhood experience of castrating hogs on the family farm had given her experience in “cutting
pork”) whose views are more closely aligned with the Tea Party than with traditional
Republicans, the possibility of compromise seems even more remote.

This also means that ballot strategies will likely be unattractive for even more unions as
they face “perfect storm” political contexts—conservative politicians and voters, along with the
potential passage of right-to-work laws in additional state. And legal tactics may be similarly
unattractive, in places where the conservative electorate also chose right-leaning judges; we can
expect that with a Democratic president and a Republican Senate without a filibuster-proof
majority, any new federal judicial appointments will be highly contentious.
Despite the doom and gloom that unions are likely feeling following the midterm election, all hope is not lost for labor. Instead, broad-based coalitions and mobilization of relatively uninvolved membership become even more important. Where there are few allies in state legislatures and courts, and in the midst of shrinking rates of union membership, unions must construct strategies that more closely resemble those of their social movement cousins. They must forge new alliances with community organizations, faith-based groups, and nonprofits, as well as with Democratic and labor groups, and they must work with minority groups that have not been served by either Republicans or traditional labor unions. They must also continue to find ways to energize and engage rank-and-file members, who have already shown their willingness to mobilize against the 2011 anti-union laws. While the situation may seem dire, public sector unions can build upon the partnerships and the rank-and-file energy of 2011 to garner public support, resources, and new political opportunities in the next election cycle.
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