



WHY WE FIGHT

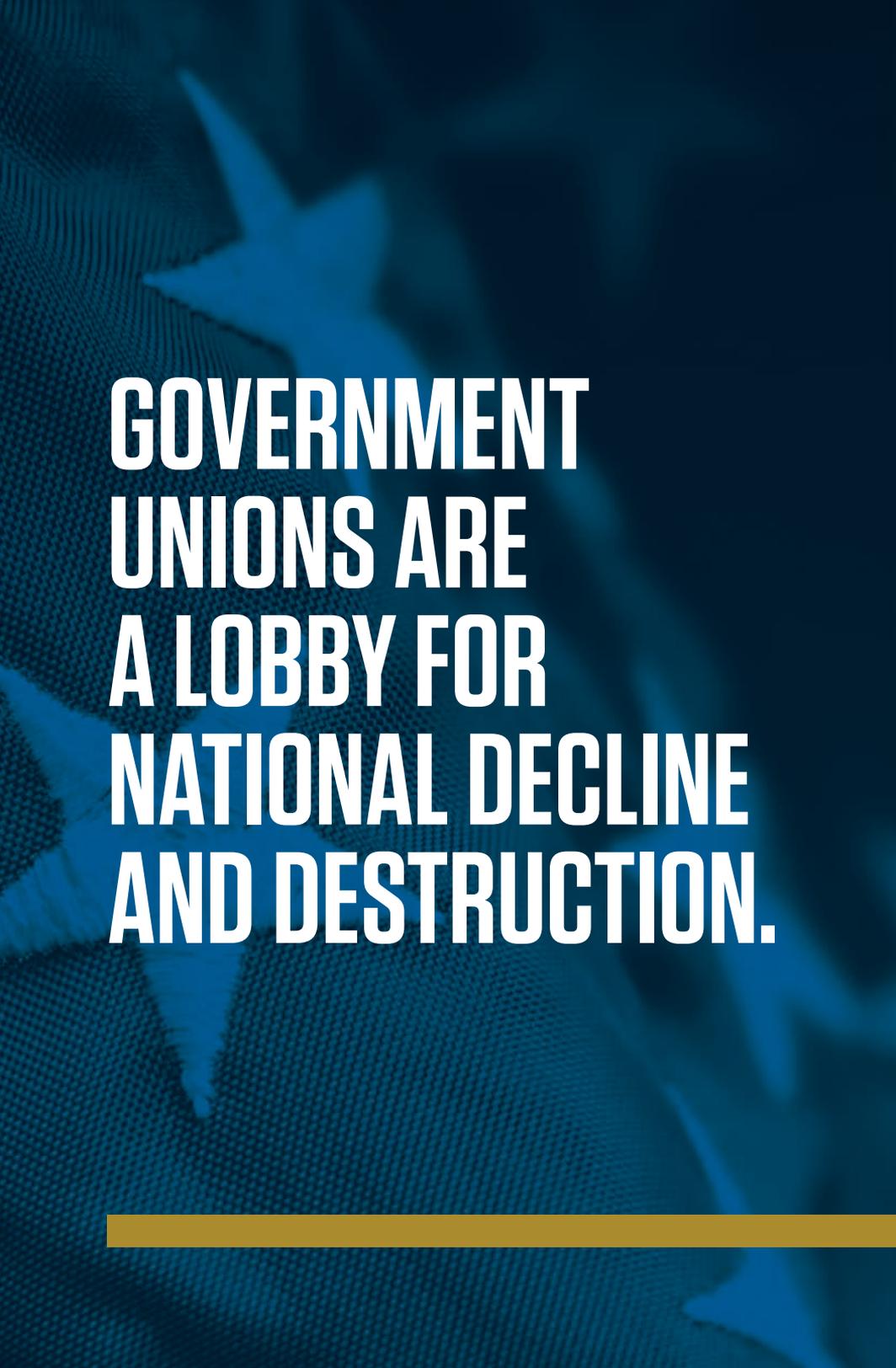
★★ PART III ★★

By

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**GOVERNMENT
UNIONS ARE
A LOBBY FOR
NATIONAL DECLINE
AND DESTRUCTION.**

HOW WE WIN

Government unions represent a permanent lobby for bigger government—government that costs ever more and does ever less. As recently as a generation or two ago, it was unthinkable that government unions could ever exist in America. Yet today they dominate our country as political kingmakers and the root cause of countless national dysfunctions. How do we defeat them and take our country back?

Developments in the legal arena over the past few years have given us a *major opportunity* to roll back their undue influence on American life. Seizing this opening is perhaps the most urgent task we can take up as Americans concerned for the future of our country.

To appreciate how momentous the opportunity before us truly is, we have to go back in time to the US Supreme Court’s ruling in *Abood vs. Detroit Board of Education*. As you will recall from Part 2 of this series, this 1977 ruling forced millions of government employees to join a union whether they wanted to or not.

This ruling missed the mark because it placed perceived “fairness” above freedom. The Court was concerned that government employees would receive benefits of union membership without having to become members themselves, something known in social science as “the free rider problem.” While that reasoning may have seemed valid at the time, with even several conservative Justices siding with the majority in this decision, it soon became apparent that *Abood* was a major assault on the rights of workers.

First and foremost, the ruling deprived employees of their right to free association guaranteed under the First Amendment. The government workforce is vast and diverse, consisting of millions of people with unique personal circumstances, political and moral beliefs, and financial capacity pay or not pay for union membership. To shoehorn these millions of people into unions in such a one-size-fits-all manner was an affront to their basic freedom and autonomy, as the founding fathers would have recognized immediately.

This injustice became more and more clear in time as unions began collecting dues and disbursing those funds to advance their interests. A large portion of these funds were used to bankroll union political campaign expenditures that consolidated the power of the union bosses.

Correcting this injustice took decades.

The American legal system is extremely slow to move. And further, judges use past decisions to inform new rulings, relying on established precedent to guide their thinking. But as time passed, union injustice became increasingly apparent, and conservative legal scholars saw a real need to challenge the undue influence of government unions.

The Freedom Foundation was a key early player in this movement to undo the injustice of the *Abood* ruling.

In 1992, voters in the Freedom Foundation's home state of Washington passed an initiative requiring unions to obtain their members' permission before spending their dues on political activities. Unions ignored this, however, and continued their political activities despite objections from members who had not given their consent. The Freedom Foundation provided legal representation to one such employee, Gary Davenport, in his case against the Washington Education Association (WEA), the state's largest teachers union.

This case went all the way to the US Supreme Court, with the Court taking it up in 2006. The following summer, when it handed down its decision, the ruling was unanimous: a rare 9-0 decision in favor of Davenport and the Freedom Foundation, representing

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a major blow to the unions and their ability to engage in political activities against the wishes of their members.

Rulings such as *Davenport* gave conservatives a precedent to mount further challenges to government union power.

The dam began to break in 2014 in *Harris vs. Quinn*. This case involved care providers who received government funding to support a disabled loved one. These care providers did not report to a government workplace, and it was a stretch to even call them employees at all. Effectively they had no need of workplace representation because their “workplace” was their home. Yet government unions forced them into union membership and skimmed as much as \$1,000 or more per year from the funds that otherwise were earmarked to provide care for the mentally and physically disabled.

Stop and think about that for a moment: government unions put their own political power and financial interests above the basic needs of these disabled people!

Despite the Supreme Court's reluctance to challenge legal precedent, this was one union outrage too many even for an

institution designed to move slowly and deliberately. The *Harris* case illustrated just how twisted forced unionization had become—and the Supreme Court struck it down for these care providers. Incredibly, despite the outrageous facts behind this case, four liberal justices nonetheless voted in support of the unions, revealing just how strong the unions remain even in the face of basic human injustice such as this.

While *Harris* affected only so-called “partial” government employees such as these care providers—as opposed to “full” government employees such as teachers and others who serve in the government workforce as we traditionally define it—it gave the Freedom Foundation an opening to begin curtailing union power.

The Freedom Foundation took this opening almost immediately, totally restructuring its operations to focus on the battle with government unions. Prior to *Harris*, the Freedom Foundation had been a traditional conservative think tank focused on its home state of Washington, working across a broad spectrum of issue areas to conduct state-level policy research, educate state lawmakers and the public, and offer public interest litigation counsel to advance conservative causes in the Evergreen State (as with the *Davenport* case).

Following the *Harris* decision, the Freedom Foundation transformed from a think tank to a battle tank with the sole mission of fighting government unions.

This hard-hitting work caught the unions by surprise. No one had dared challenge their power in such a bold and direct way, yet the Freedom Foundation was doing just that.

The Freedom Foundation pursued this fight on multiple fronts. Its legal team began suing union bosses to disclose their member lists in accord with public records laws (which they hated doing, despite their legal obligations to do so). The Freedom Foundation then assembled teams of canvassers to visit care providers on a door-to-door basis, helping them leave their unions on the spot. And to support this work, the Freedom Foundation built an aggressive media operation to not only help get the word out about important

developments such as *Harris*, but to educate the public more broadly about the abuses of government unions.

The results of this were dramatic.

Within a few short years, the state’s largest union of care providers--SEIU 925--saw its membership decline by a previously unthinkable 65 percent, a crippling blow. Meanwhile, David Rolf—another major Washington State labor leader who gained national prominence as the architect of the nationwide “Fight for \$15” campaign to increase the minimum wage—was forced to resign from his post as the head of SEIU 775 amid growing concerns about his union’s ability to remain financially viable.

Based on this success, the Freedom Foundation began expanding its work to Oregon in 2015 and California in 2016. Both states have heavily unionized government workforces, as well as reliably left-wing political climates. As such, they have long been able to collect union dues and export those funds to other states that are more competitive.

Meanwhile, as the Freedom Foundation was expanding up and down the West Coast and becoming a more potent opponent of government unions with each passing day, a major legal development was unfolding.

In 2015, the US Supreme Court agreed to hear a case from

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a California school teacher named Rebecca Friedrichs against her union, the California Teachers Association. A conservative majority now stood ready to overturn *Abood* and nearly 40 years of union injustice.

The Court heard oral arguments in *Friedrichs* and adjourned to deliberate. But then, fate intervened. On February 13, 2016, Justice Antonin Scalia—the decisive fifth vote in the *Friedrichs* case—passed away unexpectedly during a weekend quail hunt in Texas.

Scalia’s death created a vacancy in the Court and left the Justices evenly divided on the *Friedrichs* case at 4-4. *Abood* would continue to stand. Meanwhile, the liberal Judge Merrick Garland—who would later serve as Attorney General under President Biden—was handpicked by President Obama to succeed Scalia. It seemed almost certain that the opportunity to end four decades of injustice under *Abood* was closing for good.

Yet conservatives stood and fought—and it made all the difference. The US Senate, under the leadership of Majority Leader Mitch McConnell, refused to debate the Garland nomination until after the 2016 Presidential election. As we all know, that fateful election ultimately put Donald Trump in the White House. And it ended any chance of Judge Garland moving to the high court. Shortly after President Trump’s inauguration, Judge Neil Gorsuch ultimately was confirmed as a conservative successor to Justice Scalia.

As this high drama was unfolding in Washington, the Freedom Foundation continued attacking the unions 3,000 miles away on the West Coast. During this time, the organization continued refining its outreach and legal strategies to help care providers leave their union, while positioning itself for the day when the Supreme Court would overturn *Abood* and end forced unionization for good.

The Freedom Foundation’s willingness to take a long-term approach finally paid off during the Supreme Court’s 2017-18 session. Mark Janus, a child support specialist who worked for the state of Illinois, challenged his union over the requirement that he be a member as a condition of employment, just as Rebecca Friedrichs had done two years before him. The Court took his case, and a long-

awaited “re-do” of the *Friedrichs* case was set to be decided by a conservative majority.

On June 27, 2018, the Court handed down its momentous decision in *Janus vs. AFSCME*: government workers could indeed decide for themselves whether to join a government union, as the First Amendment had affirmed all along.

This was an incredible victory for freedom in America, and the Freedom Foundation commemorates what we have come to know as “Januversary” to mark the anniversary of the ruling each year on June 27.

As incredible as the ruling was, however, it did not enforce itself. As any good American versed in the Constitution knows, the Supreme Court lacks powers to enforce laws in accord with the principle of the separation of powers. That power fell to state-level elected officials—a large number of whom were rode into office on the backs of union money and union political machinery!

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did officials elected to office with their support. They weren't about to let a little thing like the law stand in the way of their political power. And they had the full machinery of state-level governments to back them up in places like California, New York, Illinois, and numerous additional states with large populations and liberal political environments.

As the saying goes, “advantages are taken, not handed out”—and the *Janus* ruling was an advantage that had to be aggressively taken, not passively accepted based on the Court's good graces. If no one else would enforce the *Janus* ruling, the Freedom Foundation would do so itself.

With years of experience under its belt as a result of its work with caregivers covered under the *Harris* ruling, the Freedom Foundation was truly the organization for this moment.

When the *Janus* ruling was handed down in 2018, the Freedom Foundation had already been working for more than four years to help care providers leave their unions...suing unions to force compliance with the law...and reaching millions of Americans with the case for dramatically curtailing the power of government unions. No one else—certainly not liberal governors or judges—was willing to challenge the unions like this. But the Freedom Foundation was.

The *Janus* ruling dramatically expanded the number of people eligible to leave their unions, and no one was better prepared to seize this opportunity than the Freedom Foundation.

The Freedom Foundation responded by expanding its operations in California—the state with the largest population of unionized government workers in the country—and by expanding the union-heavy states like Ohio and Pennsylvania.

Everywhere the Freedom Foundation went, it rolled out its proven gameplan of canvassing, litigation, and public outreach to help union members leave by the tens of thousands.

The results spoke for themselves. In Oregon, for example, political spending by government unions fell 74 percent between 2016 and 2020. Statewide, double-digit percentages of members resigned their membership in the state's four largest government unions.

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These unions were forced to sell field offices to raise funds, lay off staff, and one even had to undergo a corporate restructuring equivalent to bankruptcy to dodge a lawsuit brought by the Freedom Foundation. Elsewhere, the head of California's largest government union, a 13-year incumbent named Yvonne Walker, was voted out and replaced with a new leader who vowed to eliminate all political spending.

In all, more than 112,000 workers have left their unions so far, resulting in a financial hit of more than \$195 million in lost dues revenue. The financial return is remarkable: for every \$1 that we spend, the unions lose \$10 to \$14, based on how much each member was paying in dues when they left.

These are explosive results. And they are powered by an aggressive and proven plan aimed at taking government unions out of politics for good.

The Freedom Foundation's aggressive legal actions are designed to work as "kill shots" that dramatically disrupt union political operations and schemes to rip off workers. More than 80 such cases are now pending against the unions, and we bring them as fast as we can.

Critically, litigation powers our canvassing efforts, providing us with names and contact information for union members that allows us to begin the conversation about the benefits of leaving the union.

This canvassing—door to door, and at government workplaces—is reinforced by powerful marketing and media outreach to spread the word to millions.

This one-two-three punch is how we win.

We do this because unions have no interest in letting members know their legal rights under *Janus* and the First Amendment. In fact, liberal state governments from coast to coast have responded to *Janus* in countless and creative ways, like cockroaches eking out survival amid the fallout of a nuclear war.

In fact, union-allied governors and state legislators have changed the law such that union member lists—once a matter of public record accessible to anyone in accord with freedom of information laws—are now kept under lock and key and accessible only through costly and time-consuming litigation.

Unions and their hired hands in state governments across the country have also created rules that require new hires to sit with a representative of the union during onboarding and training sessions—ensuring that new workers get a hard sell to join the union,

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OUR GOAL IS TO ENSURE EVERY SINGLE GOVERNMENT UNION MEMBER LEARNS OF THEIR RIGHT TO LEAVE THE UNION, AND ULTIMATELY DIMMISH THE CORRUPTING INFLUENCE OF GOVERNMENT UNIONS FOR GOOD.

but never hear of their right to leave.

Unions even forge signatures on union cards—a willful violation of the law that not even the most liberal governors or state legislatures could get away with legalizing.

In addition to calling in countless favors from their political cronies, they have fought back in other ways as well.

They routinely harass our canvassers at government office buildings. A union thug even followed one canvasser—who happened to be pregnant at the time—for miles in her car after she became so threatened that she had to leave, something that never should have been allowed to happen on public property.

The Freedom Foundation has been threatened in countless other ways as well. One morning, our staff arrived for work and found a bullet shot through the window. The unions have boycotted businesses owned by our board members, even filing bogus complaints with health inspectors in the case of a former board member who operates a winery. The unions have sent hate mail and robocalls to entire neighborhoods where our staff live as part of pressure campaigns to shake our resolve.

These attacks have done nothing to shake our resolve. Quite the contrary: they have proven just how low and despicable government

unions truly are, and that we truly are on the right path in taking them on.

For that reason, the Freedom Foundation has begun an aggressive national expansion of its work to all 50 states. The Freedom Foundation announced this expansion on June 27, 2021—the third anniversary of the *Janus* decision. Government unions are clearly a nationwide problem requiring a nationwide response, and this expansion is taking the Freedom Foundation to new parts of our country where we've never been before. Our goal is to ensure every single government union member learns of their right to leave the union, and ultimately diminish the corrupting influence of government unions for good. We have crafted plans that can deprive government unions of up to \$1.2 billion in funding by 2024, and we are moving rapidly to execute against those plans.

As we begin this expansion, we call on Americans who love our country and its freedoms to take a stand against government unions and the injustices they have worked against our country for decades.

Government unions are a lobby for national decline and destruction. They have been left unchecked for decades due to liberal corruption and bad laws that cemented their hold on power. But today, for the first time in the history of organized labor, we have a chance to thoroughly defeat them.

This is a fight we can win, and the Freedom Foundation is the only organization seizing this opportunity at a national scale. We call on every freedom-loving American to join us in this fight. Nothing less than our future as a free society is riding on the outcome, and we urge you to stand with us today.



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There is no path to a freer America until we end the undue influence of government unions. Government unions are a powerful blockade against individual liberty, free enterprise, and limited, accountable government. The Freedom Foundation is taking on government union bosses and defunding their radical unconstitutional agenda.

“Why We Fight” is a three-part essay reflecting on exactly that: *WHY WE FIGHT!*

The first part explores how government unions are a root cause of every growing national dysfunction in America. The second installment reflects on how government unions became such a pervasive influence on American life. The third and final piece discusses how the Freedom Foundation’s national expansion is countering this destructive force and helping to bring about a new era of American prosperity.



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