



CONSTITUTIONAL viewpoint

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The Path Remains Clear for Ohio's New Legislators to Separate Government Employment from Public Employee Union Politics

OVERVIEW

As the debate on the role of government employee unions in Ohio intensifies, citizens and lawmakers shouldn't lose sight of the prominent role that these organizations play in Ohio politics and policymaking. Nor should they overlook an immediate solution to leveling the playing field in the state: simply stop subsidizing government workers political contributions to their employers.

- Ohio's top donors to Ohio legislative and statewide candidate campaigns are public employee unions.
- The taxpayers of Ohio facilitate political donations to public employee unions by providing, at no cost to those unions, automated payroll deduction benefits.
- Ending automated payroll deductions for union politics causes sharp decline in contributions to public employee unions, and puts these unions on equal footing with the private sector.
- Ohio once banned automated political payroll deductions from all public employee paychecks, but through historical accident, that ban was stricken and never re-enacted.
- Due to recent U.S. Supreme Court precedent, banning these political contributions is unquestionably constitutional.
- 46 percent of Ohio's government employees are unionized.
- Public employee unions contribute to causes and candidates that increase the size and scope of government.
- It is estimated that Ohio residents could pay 20.73% less in state income taxes if they weren't paying for inflated government employee union wages.

THE 1851 CENTER FOR CONSTITUTIONAL LAW is a non-profit, non-partisan legal center dedicated to protecting the constitutional rights of Ohioans from government abuse. The 1851 Center litigates constitutional issues related to property rights, voting rights, regulation, taxation, and search and seizures.

OHIO LAWS SEPARATING UNION POLITICS and government employment should never have been struck down, and Ohio’s new legislature should reinstate them. In 2009, the United States Supreme Court upheld an Idaho law banning deductions from government employees’ paychecks for the political purposes of their unions. Although Ohio once implemented an identical protection, an Ohio appellate court struck it down on First Amendment grounds in 1998. However, two years ago, in *Yursa v. Pocatello Education Association*, the Supreme Court made it clear that such laws do not violate the First Amendment. Although this leaves no doubt that Ohio’s 1998 ruling was erroneous, Ohio’s previous legislature never reinstated the statute. Since 1998, government employee unions have become, as a sector, the preeminent spender and power-player in Ohio politics, pushing a policy agenda customarily adverse to Ohio’s taxpayers. Consequently, the Ohio legislature should now reinstitute Ohio’s separation of union politics and government employment.

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The current state of affairs

Currently, in Ohio, there is no law in place to prohibit public employee unions from (1) gaining access to funds through automatic deductions from government employees’ paychecks; and (2) using those funds for political purposes.

Thus, it was no surprise to see thousands of Ohio’s government employee union members bussed to the statehouse in February of 2011, just as the Ohio Senate began to debate ending collective bargaining amongst government employees. However, the ability to move people is simply the junior partner in the political operations of Ohio’s public employee unions.

The senior partner is the ability to acquire and spend money for political purposes. When viewed as an “industry,” public sector unions trailed only

“Lawyers and Lobbyists” in 2010 political spending, trouncing all others, including private trade unions, and contributing more than “real estate,” “insurance,” and “commercial banks” combined.¹

Indeed, amongst the Top 20 contributors to political candidates, AFSCME (American Federation of State, County, and Municipal Employees), the Ohio Association of Public School Employees (OAPSE), and the Ohio Education Association (OEA) each cracked the top ten, trailing only traditional political organizations such as the Ohio Democratic and Republican Parties, Attorney General Candidate Mike DeWine and “Friends of Armon Budish” (the then-speaker of the Ohio House of Representatives).² OAPSE contributed \$2 million, while OEA and AFSCME chipped in \$1.6 million each.³

But this is just the tip of the iceberg. In the 2010 election cycle, the Ohio Democratic Party’s Executive Committee and Statewide Candidate Fund alone (this does not include state legislative candidates) received the following:

Source	Amount
AFSCME	\$1,451,000
Ohio Education Association	\$844,000
Ohio Association of Public School Employees	\$669,000
SE/SEIU (public sector)	\$686,000
American Federation of Teachers	\$366,000
NEA	\$335,000
AFSCME Council 8	\$135,000
Ohio Civil Service Employees Assoc. Local 11	\$40,000
Service Employees Ohio State Council	\$34,187
Ohio Civil Service Employees Association Local 11	\$25,000
the American Association of University Professors ⁴	\$24,000

Meanwhile, government employees also topped the list of contributors to Ohio legislators and legislative candidates: OAPSE, SEIU, AFSCME, and OEA comprised four of the six organizations to have contributed over half a million dollars to the

state's legislative candidates.⁵ These contributions dwarfed those from Dentists, Realtors, Oil & Gas, Home Builders, Nurses, Bankers, Health Care interests, and Insurance interests. The top 7 contributors in this category were all unions.⁶

The political expenditures of public employee unions are big business. The Ohio Chapter of AFSCME alone spends over \$1 million per year on politics, and employs at least ten executives with six-figure incomes.⁷ The Ohio Chapter of the National Education Association, comprised of state-employed teachers, spends over \$3.1 million per year on politics and lobbying, and at least ten of its employees draw salaries over \$145,000.

Of course, it is Ohio taxpayers who underwrite this business: the automatic payroll deduction service used by government employees to contribute to their unions for political purposes is free of charge, courtesy of Ohio taxpayers. At the same time, it is estimated that Ohio residents could pay 20.73% less in state income taxes if they weren't paying for inflated government employee union wages.⁸

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These numbers force one of two conclusions: either (1) public employee unions have plenty of money to spend on controversial political activities, and thus can and should operate without the state's assistance in automatic payroll deductions from state employees; or (2) public employee unions only have such a vast amount of money to spend on controversial political activities because of the state assistance offered by automatic payroll deductions. Either of these conclusions supplies a compelling rationale for separating politics from government by ending the practice of automatic payroll deductions from government employees for union political activities.

Past efforts to separate politics and public employment

In 1995, Ohio enacted the Campaign Finance Reform Act, also known as Senate Bill 8, to make significant changes in Ohio's campaign finance law. Before the enactment of S.B. 8, "any employer," including government, could facilitate political payroll deductions for its employees. S.B. 8 eliminated a government entity's authority to deduct political contributions from an employee's wages or salary. The provision, R.C. 3599.031(H), stated:

NO PUBLIC EMPLOYER SHALL DEDUCT FROM THE WAGES AND SALARIES OF ITS EMPLOYEES ANY AMOUNTS FOR THE SUPPORT OF ANY CANDIDATE, SEPARATE SEGREGATED FUND, POLITICAL ACTION COMMITTEE, LEGISLATIVE CAMPAIGN FUND, POLITICAL PARTY, OR BALLOT ISSUE.

However, just three short years later, in *United Auto Workers, Local Union 1112 v. Philomena*, the Court of Appeals for the Tenth District of Ohio struck down this provision, and the Supreme Court of Ohio refused to review the decision. As a result, the political check-off for transferring money from government employees to unions was reinstated; and it remains to this day.

In concluding that this separation of politics and state employment was unconstitutional, the Tenth District relied solely on the federal Constitution,⁹ and concluded that the separation "impinge[d] upon the fundamental right to engage in political expression."¹⁰ Disconcertingly, the Ohio appellate court took the convenience of unions and union employees into account:

THE RECORD ESTABLISHES THAT FOR MANY EMPLOYEES, INCLUDING PUBLIC EMPLOYEES, PAYROLL DEDUCTION IS THE MOST ADVANTAGEOUS WAY TO MAKE POLITICAL CONTRIBUTIONS. SIGNIFICANT TO THIS COURT IS THE REALITY THAT FOR PEOPLE ON A BUDGET, DONATING TO CAUSES THEY SUPPORT IS EASIEST IF THEY MAY DO SO IN SMALL WEEKLY, BIWEEKLY, OR MONTHLY INCREMENTS.

Upon such questionable reasoning, S.B. 8's seemingly reasonable restrictions on political paycheck deductions were invalidated.¹¹

Idaho's validated statute and Ohio's invalidated statute: identical

Ysursa, the recent United States Supreme Court case, featured a challenge to Idaho's Voluntary Contributions Act. The Supreme Court explained that “[u]nder [the act], a public employee may elect to have a portion of his wages deducted by his employer and remitted to his union to pay union dues. *He may not, however, choose to have an amount deducted and remitted to the union's political action committee, because Idaho law prohibits payroll deductions for political activities.*”¹²

In the face of a challenge similar to that waged by Ohio's unions in 1998, i.e. one on First Amendment grounds, the U.S. Supreme Court nevertheless upheld the validity of the ban:

IDAHO'S LAW DOES NOT RESTRICT POLITICAL SPEECH, BUT RATHER DECLINES TO PROMOTE THAT SPEECH BY ALLOWING PUBLIC EMPLOYEE CHECKOFFS FOR POLITICAL ACTIVITIES. IDAHO'S PUBLIC EMPLOYEE UNIONS ARE FREE TO ENGAGE IN SUCH SPEECH AS THEY SEE FIT. THEY SIMPLY ARE BARRED FROM ENLISTING THE STATE IN SUPPORT OF THAT ENDEAVOR. IDAHO'S DECISION TO LIMIT PUBLIC EMPLOYEE PAYROLL DEDUCTIONS AS IT HAS DOES NOT INFRINGE THE UNIONS' FIRST AMENDMENT RIGHTS. * * * AND THE STATE'S RESPONSE TO THE PROBLEM IS LIMITED TO ITS SOURCE-POLITICAL PAYROLL DEDUCTIONS. THE BAN PLAINLY SERVES THE STATE'S INTEREST IN SEPARATING PUBLIC EMPLOYMENT FROM POLITICAL ACTIVITIES.”¹³

Accordingly, the separations of politics and public employment similar to that enacted in Ohio are clearly constitutional. Nevertheless, Ohio's statutory separation remains erroneously stricken, even as government employee unions dominate Ohio politics.

Vindication of Ohio's past efforts to separate politics from government employment

On every front, the Supreme Court's *Ysursa*

decision uproots the flawed reasoning of the Ohio appellate Court. First, Ohio's rationale for the legislation was constitutionally valid. In support of the Ohio legislation, its sponsors emphasized “the corruption potential presented by the knowledge public employers would obtain from administering payroll deduction of political contributions for employees under their supervision,” and the importance of “bipartisan public support of government, confidence in the system of representative government, and reduction of partisan pressure on or by public employees.”¹⁴

While the government must accommodate expression, it isn't required to assist others in funding the expression of ideas, including political ones.

Nevertheless, the Ohio court concluded that these purposes were insufficient: “[t]his court sees no close connection between allowing political contributions to be made by way of payroll deduction and concerns that employees will feel coerced to make contributions or do so, not to express personal belief, but to curry favor.”

Perhaps not surprisingly, in *Ysursa*, the United States Supreme Court reached the opposite conclusion, stating that “[t]he ban furthers Idaho's interest in separating the operation of government from partisan politics.”

Secondly, while the Ohio court applied the highest standard of constitutional scrutiny, “strict scrutiny,” to the Ohio statute, the U.S. Supreme Court explained that such scrutiny is not appropriate: “[w]hile in some contexts the government must accommodate expression, it is not required to assist others in funding the expression of particular ideas, including political ones.”¹⁵ Thus, the Court explained “a legislature's decision not to subsidize the exercise of a fundamental right does not infringe the right, and thus is not subject to strict scrutiny.”¹⁶ Given that the State has not infringed on First Amendment rights, “the State need only demonstrate a rational basis to justify the ban on political payroll deductions.”¹⁷ And under rational

basis review, a statute like Idaho's, and formerly Ohio's, is "justified by the State's interest in avoiding the reality or appearance of government favoritism or entanglement with partisan politics."¹⁸

The First Amendment prohibits government from "abridging the freedom of speech;" it does not confer an affirmative right to use government payroll mechanisms for the purpose of obtaining funds for expression. *Idaho's law does not restrict political speech, but rather declines to promote that speech by allowing public employee check-offs for political activities.* Such a decision is reasonable in light of the State's interest in avoiding the appearance that carrying out the public's business is tainted by partisan political activity.

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Thirdly, *convenience to unions is no justification for automatic payroll deductions.* The Ohio court emphasized that "payroll deduction is the most advantageous way to make political contributions. Significant to this court is the reality that for people on a budget, donating to causes they support is easiest if they may do so in small weekly, biweekly, or monthly increments."¹⁹

The *Ysursa* court rejected such strained reasoning. It concluded:

UNIONS FACE SUBSTANTIAL DIFFICULTIES IN COLLECTING FUNDS FOR POLITICAL SPEECH WITHOUT USING PAYROLL DEDUCTIONS...WHILE PUBLICLY ADMINISTERED PAYROLL DEDUCTIONS FOR POLITICAL PURPOSES CAN ENHANCE THE UNIONS' EXERCISE OF FIRST AMENDMENT RIGHTS, IDAHO IS UNDER NO OBLIGATION TO AID THE UNIONS IN THEIR POLITICAL ACTIVITIES.²⁰

In other words, a decision not to assist fundraising, which may, as a practical matter, result in fewer contributions is simply not the same as directly limiting expression.²¹

Time again to separate government employment from politics

With the constitutional path now cleared, there are several compelling reasons to "re-enact" the payroll deduction prohibition of Senate Bill 8. These include (1) leveling the political playing field between government employees and the private sector; (2) curtailing coercion and favoritism; (3) fostering government accountability; and (4) acknowledging the disconnection between member preferences and how funds are spent.

First, ending the taxpayer-provided perk of automatic payroll deductions for political purposes levels the playing field in Ohio politics. As noted above, Ohio government employee unions have been a juggernaut in exerting political pressure in Ohio. This has, no doubt, played a role in who hold office in Ohio. More importantly, it has contributed to both favorable policies for public sector workers, at the expense of Ohio taxpayers, and the blockage of fiscally-responsible policies.

A proper approach to decoupling politics from government employment has two dramatic effects: (1) it radically reduced the amount of political contributions received by government employee unions; (2) permits better reflection of true employee preferences; and (3) removes a major impediment to reforms in public policies related to fiscal issues and school choice.

To these ends, the experience of Utah is illuminating. After eliminating payroll deductions for government employees within the state in 2001, the number of teachers contributing to their unions for political purposes fell ten-fold, from 68 percent to 6.8 percent of all teachers, and PAC contributions plummeted.²² The alleviation of this political pressure point made it possible for the state's legislature to implement considerable school choice reforms²³: as one school choice advocate noted, "The union just doesn't carry the stick that it used to."

Next, ending political payroll deductions protects dissenting employees. As the Pacific Legal Foundation has observed, "unions rely heavily on

peer pressure, intimidation, coercion, and inertia to prevent dissenting members or nonmembers from opposing union political activities.”²⁴ This is particularly true in the case of “[d]issenting workers in offices where public employee unions have substantial power to govern the terms of employment and even to deduct funds from paychecks.”²⁵

The political atmosphere of the unionized workplace puts an extremely heavy burden on workers to remain silent about their own opposition to union policies. This silence may include a reluctance to not make political contributions. The history of unionism is replete with examples of threats, coercion, intimidation, and violence directed at workers who do not agree with union goals, policies, or tactics.²⁶ Between 2000 and 2007, the National Labor Relations Board received 1325 complaints of union-sponsored threats and 546 reports of harassment. Meanwhile, unions routinely use high-pressure tactics to manipulate workers into contributing money for union political campaigning.²⁷ The Pacific Legal Foundation cites many cases featuring such tactics.²⁸

In Ohio, government employees who are required to be union members may legitimately fear that their superiors, i.e. partisan politicians or appointees of partisan politicians, will pay attention to who is contributing and who is not. Failing to contribute may make work-life more difficult for professional government workers. This is even more true for employees who work underneath politicians or appointees that rely upon such contributions to retain their positions.

The harms of such retaliation and favoritism extend to the Ohio taxpayer. When less competent employees are promoted on the basis of their political loyalty, while more competent employees are overlooked, the government agency’s management is more likely to make poor management decisions. Poor management of a public agency ultimately results in waste of taxpayer dollars, a lack of responsiveness, and a lack of accountability. Decisions may also be based more on political expediency than productivity.

There is a second way in which impliedly coerced political contributions from public employees harms the employee and Ohio: such contributions are often not used in accordance with the employee’s preferences. This creates distortions between the political will for certain causes and the funding available for those causes.

For instance, a 1996 poll revealed that 62 percent of AFL-CIO members opposed that union’s decision to spend \$35 million on advertising for the Democrat party.²⁹ Similarly, the Teamster’s Union contributed \$56 million to Bill Clinton, even though its own internal polling indicated that its members preferred Ross Perot, and then George H.W. Bush.³⁰

The numbers are often even worse for public sector employee unions. Between 1990 and 2004, 94 percent of the donations made by the National Education Association political action committee went to Democrats, even though only 45 percent of public school teachers count themselves as Democrats.³¹ Such disconnections between member preferences and union spending habits have the effect of rendering potentially unpopular political causes more palatable than they may otherwise be.

Finally, any move toward freedom from the influence of labor unions appears to spur economic growth. According to the National Institute for Labor Relations Research, citing U.S. Labor Department statistics, Idaho’s paycheck protection and right-to-work laws have facilitated significant economic growth: “In the decade before its Right to Work law first took effect in 1986, Idaho’s employment growth was barely more than half the national average. But over the past two decades, Right to Work Idaho repeatedly topped the nation in job creation.”³² Meanwhile, Ohio’s labor policies have driven jobs from the state, and at the time of this publication, Ohio’s unemployment rate stands at a staggering rate, and national survey of top Chief Operating Officers reveals that they view Ohio as “48th” of the 50 states in terms of workforce quality - no doubt a reflection on Ohio’s highly unionized climate.

Conclusion

The *Ysursa* case clearly demonstrates that Ohio's separation of union politics and government employment, as articulated in Senate Bill 8, should never have been struck down. The path is now clear to reinstitute this legislation, and for the reasons cited above, it is important that the General Assembly re-effectuate the will of the people of Ohio.

ENDNOTES

1 Available at http://www.followthemoney.org/database/StateGlance/contributor_details.phtml?&i=100&s=OH&y=2010&summary=0&so=a&p=1#sorttable

2 Id.

3 Id.

4 Id. (These amounts do not account for any contributions by these organizations under \$17,000).

5 Catherine Turcer, *Lobbyists – Affluence & Influence?* Available at www.OhioCitizen.org/money/2011/lobbyists/pdf. (The other two were private trade unions: Plumbers & Pipefitters and Electrical Workers)

6 Id.

7 See <http://www.unionfacts.com/unions/unionProfile.cfm?ID=512927&year=2006>

8 Id.

9 *United Auto Workers, Local Union 1112 v. Philomena* (1998), 121 Ohio App.3d 760, 700 N.E.2d 936 (noting “[t]here are few Ohio cases interpreting Ohio constitutional provisions because the parallel federal provisions have usually been construed as imposing restrictions upon state action the same as or greater than the Ohio provision,” and that “[appellant’s] rely heavily on federal case law, as will this opinion”).

10 *UAW*, supra, citing *Austin v. Michigan Chamber of Commerce* (1990), 494 U.S. 652, at 666, 110 S.Ct.

1391, at 1401, 108 L.Ed.2d 652, at 668-669.

11 *UAW*, supra. The Court also posited an equal protection argument, noting that “[t]hat there is no constitutional right to payroll deduction for political contributions does not end the inquiry. If authorizing private employee payroll deduction for political contributions makes it easier for private employees than public employees to engage in political expression, R.C. 3599.031(H) infringes upon the political expression rights of public employees.” However, Neither Ohio’s Equal Protection Clause, nor the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, prohibits the State from banning automatic payroll deductions for political purposes. The *UAW* court came to the wrong conclusion of Constitutional law, even as it existed at the time, a point made clear by the 6th Circuit in *Toledo Area AFL-CIO Council v. Pizza* (1998), 154 F.3d 307, at 312 (stating “[w]e are aware of the Ohio Court of Appeals decision in *United Auto Workers Local Union 1112 v. Philomena*, * * *. In reaching its conclusion that O.R.C. § 3599.031(H) was unconstitutional, the Ohio Court relied exclusively on federal case law. “We disagree with our Ohio counterparts’ interpretation of this case law,” because “the status of being a public employee has never been deemed either a suspect or a quasi-suspect classification,” and because “[t]here is no significant difference between the Ohio statute and what a large corporation might do by ordering all of its subsidiaries to stop administering the deductions and [p]ublic employees have no greater right than their private-sector counterparts to challenge such decision.”)

12 Id. In 2003, the Idaho Legislature passed the Voluntary Contributions Act (VCA). That legislation, among other things, prohibited payroll deductions for political purposes. It provides: “Deductions for political activities as defined in chapter 26, title 44, Idaho Code, shall not be deducted from the wages, earnings or compensation of an employee.” § 44-2004(2).

13 *Ysursa v. Pocatello Educ. Ass’n* (2009), --- S.Ct. ---, 2009 WL 436709, citing *Civil Service Comm’n v. Letter Carriers*, 413 U.S. 548, 565, 93 S.Ct. 2880, 37 L.Ed.2d 796.

- 14 *United Auto Workers, Local Union 1112 v. Philomena* (1998), 121 Ohio App.3d 760, 700 N.E.2d 936.
- 15 *Ysursa*, supra.
- 16 *Ysursa v. Pocatello Educ. Ass'n* (2009),--- S.Ct. ----, 2009 WL 436709, citing *Regan v. Taxation With Representation of Wash.*, 461 U.S. 540, 549, 103 S.Ct. 1997, 76 L.Ed.2d 129 (1983); cf. *Smith v. Highway Employees*, 441 U.S. 463, 465, 99 S.Ct. 1826, 60 L.Ed.2d 360 (1979) (*per curiam*) (“First Amendment does not impose any affirmative obligation on the government to listen, to respond or, in this context, to recognize [a labor] association and bargain with it”).
- 17 *Id.*, at 546-551, 103 S.Ct. 1997. (internal quotation marks omitted)
- 18 See *Civil Service Comm'n v. Letter Carriers*, 413 U.S. 548, 565, 93 S.Ct. 2880, 37 L.Ed.2d 796 (1973) (public perception of partiality can undermine confidence in repre, sentative government); *Public Workers v. Mitchell*, 330 U.S. 75, 96-100, 67 S.Ct. 556, 91 L.Ed. 754 (1947) (Congress may limit political acts by public officials to promote integrity in the discharge of official duties); cf. *Cornelius v. NAACP Legal Defense & Ed. Fund, Inc.*, 473 U.S. 788, 809, 105 S.Ct. 3439, 87 L.Ed.2d 567 (1985) (limitations on speech may be justified by interest in “avoiding the appearance of political favoritism”); *Greer v. Spock*, 424 U.S. 828, 839, 96 S.Ct. 1211, 47 L.Ed.2d 505 (1976) (upholding policy aimed at keeping official military activities “wholly free of entanglement with partisan political campaigns of any kind”).
- 19 *United Auto Workers, Local Union 1112 v. Philomena* (1998), 121 Ohio App.3d 760, 700 N.E.2d 936.
- 20 *Ysursa*, supra.
- 21 Cf. *Regan v. Taxation With Representation of Wash.*, 461 U.S. 540, 550, 103 S.Ct. 1997, 76 L.Ed.2d 129 (1983) (“Although [a union] does not have as much money as it wants, and thus cannot exercise its freedom of speech as much as it would like, the Constitution does not confer an entitlement to such funds as may be necessary to realize all the advantages of that freedom” (internal quotation marks omitted)).
- 22 Andy Furillo, *Paycheck protection measures have little impact in four of five states*, available at <http://www.nrtw.org/pdfs/paycheck-protection/9-SB-Furillo.pdf>
- 23 *Id.*
- 24 *Ysursa*, supra., Brief Amicus Curiae of Pacific Legal Foundation in Support of Neither Party, p. 7.
- 25 *Id.*
- 26 See Linda Chavez & Daniel Gray, *Betrayal: How Union Bosses Shake Down Their Members and Corrupt American Politics*, at 44-46 (2004); Herbert R. Northrup, *the Teamsters' Union Attempt to Organize Overnight Transportation Company: A Study of a Major Union Failure*, 30 *Transp. L.J.* 127, 155-68 (2003).
- 27 Center for Union Facts, *When Voting isn't Private: The Union Campaign Against Secret Ballot Elections 19* (2007).
- 28 *Ysursa*, supra., Brief Amicus Curiae of Pacific Legal Foundation in Support of Neither Party, p. 7.
- 29 Donald Beachler, *Race, God, and Guns: Union Voting in the 2004 Presidential Election*, 10 *WorkingUSA: Journal of Labor and Society*, at 311-325 (2007).
- 30 F.C. Duke Zeller, *Devil's Pact: Inside the World of the Teamster's Union 346* (1996).
- 31 Center for Union Facts, www.unionfacts.com/articles/unionpolitics.
- 32 National Institute for Labor Relations Research, *Freedom to Associate of Necessity Means as Well Freedom Not to Associate* (www.nilrr.org/node/67).