

Gary L. Bauer, President

## **The Employee Free Choice Act & Values Conservatives**

*The Hill*, a Capitol Hill newspaper, recently reported on a Workforce Fairness Institute study that found that unions would receive a financial windfall if the Employee Free Choice Act (EFCA) is enacted into law. The study estimates that with the passage of EFCA “organized labor as a whole would have roughly \$1.75 billion to spend on political activities over the next 10 years.”<sup>1</sup>

The potential of better funded unions represents a substantial threat to the interests of the pro-family movement. Based on the political spending patterns of unions over the years, values conservatives could expect unions to direct perhaps hundreds of millions more dollars to socially liberal advocacy efforts. Unions have been important institutional supporters of a decidedly left-of-center social agenda and have contributed significant resources to advance that agenda on several fronts.

Consider just some of the actions of the nation’s most powerful unions:

### *Marriage*

- In 2005, the AFL-CIO Executive Committee adopted a resolution opposing efforts at the federal and state level to define marriage as a union between one man and one woman.<sup>2</sup> This resolution was perceived by many as opening the door to increased union intervention in the debate regarding same-sex marriage. In response, 43 pro-family groups sent a letter to AFL-CIO president John Sweeney voicing their opposition to the decision and urging its repeal: “On behalf of the millions of dues-paying American union members who agree with us that marriage between one man and one woman deserves and demands state and federal constitutional protection, we urge the AFL-CIO Executive Committee to respect and honor the views of your own rank-and-file membership by voting...to rescind your March 3rd resolution.” Signatories included the American Family Association, the Ethics & Religious Liberty Commission, the Free Congress Foundation, the Coalition of African American Pastors, Concerned Women for America, Liberty Counsel, and Eagle Forum.<sup>3</sup>
- In 2006, the Service Employees International Union (SEIU) released a legislative advisory to condemn a federal marriage amendment before the Senate. The amendment, defeated by a vote of 49-48, was identified as one of the SEIU’s 16 “Key Roll Call Votes” of 2006.<sup>4</sup>

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<sup>1</sup> <http://thehill.com/business--lobby/business-report-claims-efca-would-line-labors-pockets-2009-06-09.html>

<sup>2</sup> <http://www.aflcio.org/aboutus/thisistheafclcio/ecouncil/ec03032005g.cfm>

<sup>3</sup> <http://www.afa.net/pdfs/lettertoaflcio.pdf>

<sup>4</sup> <http://seiuorg.capwiz.com/seiuorg/vote.xc/?votenum=163&chamber=S&congress=1092&voteid=8825806&state=US>

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- Following the controversial decision by the California Supreme Court to overturn a ban on civil unions, pro-family groups launched an initiative to decide the matter through a state referendum. This effort culminated in Proposition 8—a 2008 ballot initiative designed to define marriage as a union between a man and a woman. The California Teachers Association (CTA) donated \$1.25 million to oppose the proposition and was the largest in-state donor funding the ‘No on 8’ coalition.<sup>5</sup> This donation created controversy among many union members.<sup>6</sup> According to National Public Radio, individual teacher donations favored the ballot by a two-to-one margin.<sup>7</sup>

### *School Choice & Charter Schools*

- Strong opposition to school choice “is a top priority for NEA.”<sup>8</sup> Between 2007 and 2008, NEA spent upwards of \$3.3 million fighting a school choice referendum in Utah.<sup>9</sup> Social conservatives largely supported the measure. Groups like Focus on the Family champion school choice as a means to protect “parents’ constitutional rights to direct their children’s upbringing in accordance with the values, principles and religious convictions they hold dear.”<sup>10</sup> Other affiliates of the NEA lent support as well. The California Teacher’s Association (CTA) alone donated \$231,000 to oppose the ballot referendum.<sup>11</sup>
- Additionally, a highly contentious California legal case rose to prominence in 2008 regarding state regulation of home schooled children. In an effort to guide the outcome, CTA filed an amicus brief claiming that home schooling resulted in “educational anarchy.”<sup>12</sup> Home school advocacy groups, many of which are affiliated with religious organizations, criticized the characterization as “outrageous.”<sup>13</sup>
- In 2009, the NEA lobbied Congress to end funding for the Washington, D.C. “Opportunity Scholarship” program warning: “We expect that Members of Congress who support public education, and whom we have supported, will stand firm against any proposal to extend the

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<sup>5</sup> <http://online.wsj.com/article/SB122480597946864923.html>

<sup>6</sup> <http://www.citizenlink.org/CLtopstories/A000009322.cfm>

<sup>7</sup> <http://www.npr.org/templates/story/story.php?storyId=100339693>

<sup>8</sup> <http://www.nea.org/home/30906.htm>

<sup>9</sup> <http://online.wsj.com/article/SB121789217510411697.html>

<sup>10</sup> [http://www.focusonthefamily.com/socialissues/education/school\\_choice.aspx](http://www.focusonthefamily.com/socialissues/education/school_choice.aspx)

<sup>11</sup> <http://eiaonline.com/archives/20090120.htm>

<sup>12</sup> <http://www.pacificjustice.org/resources/news/focusdetails.cfm?ID=PR080527a>

<sup>13</sup> Ibid

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pilot program. Actions associated with these issues WILL (emphasis in original) be included in the NEA Legislative Report Card for the 111<sup>th</sup> Congress.”<sup>14</sup>

- A recent *Wall Street Journal* op-ed, “The Union War on Charter Schools,” notes that “teachers unions have now set their sights on charter schools” and that “unions may say they support charter schools, but they only support charters after they have stripped them of everything that makes charters different from district schools.”<sup>15</sup>

## *Gambling*

- In 2007, Massachusetts Governor Deval Patrick introduced a proposal to license three casinos in the commonwealth. In a joint press conference with the governor, Robert J. Haynes, president of Massachusetts AFL-CIO, announced the union’s support for the plan and stated: “We’re going to do our best to make sure it’s passed. We’re going to be very aggressive.”<sup>16</sup> According to the *Boston Globe*, union officials further stated that the casino initiative would be one of their top priorities for the year, “on par with healthcare reform and education.”<sup>17</sup> The Massachusetts Family Institute decried the proposal and issued multiple briefing papers outlining the adverse impact on families of increased gambling.<sup>18</sup>
- In Maryland, gambling proponents successfully secured a referendum on legalizing slot machines for the 2008 election cycle. Question 2 was widely backed by the state’s labor unions and opposed by religious and pro-family groups. Despite a history of neutrality, the 70,000-member Maryland State Teachers Association declared its support in favor of the gambling proposal.<sup>19</sup> The AFL-CIO and AFSCME, an affiliate of the AFL-CIO, similarly cast their support for the initiative, with AFSCME national donating \$500,000 to the pro-slots coalition.<sup>20</sup>

## *Abortion*

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<sup>14</sup> <http://www.nea.org/home/30906.htm>

<sup>15</sup> <http://online.wsj.com/article/SB123985052084823887.html>

<sup>16</sup> [http://www.boston.com/news/local/articles/2008/02/08/afl\\_cio\\_supports\\_patrick\\_on\\_casinos/?page=1](http://www.boston.com/news/local/articles/2008/02/08/afl_cio_supports_patrick_on_casinos/?page=1)

<sup>17</sup> Ibid

<sup>18</sup> [http://www.mafamily.org/issues/docs/18\\_WhyCasinoGamblingIsaProFamilyIssue.pdf](http://www.mafamily.org/issues/docs/18_WhyCasinoGamblingIsaProFamilyIssue.pdf)

<sup>19</sup> <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/15/AR2008031501191.html>

<sup>20</sup> <http://www.baltimoresun.com/sports/horseracing/bal-md.slots25oct25,0,7461070.story>

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- As part of ongoing negotiations with the automotive manufacturers, UAW leaders requested that health insurance plans be extended to cover elective abortions. Though the request was ultimately dropped, the issue received condemnation from pro-life advocacy groups.<sup>21</sup>
- In 2003, AFSCME and the NEA opted to cosponsor the “March for Freedom of Choice.” In a September 2003 newsletter, AFSCME stated that the objective of the rally (held in the spring of 2004) was “to demonstrate overwhelming support for a woman’s right to choose a safe, legal abortion and contraception.”<sup>22</sup> Other co-sponsors of the event included NARAL, Planned Parenthood and the ACLU.<sup>23</sup> Pro-life groups condemned the unions’ decisions to participate. Additionally, despite increasingly organized member opposition, the NEA has neglected to remove a long-standing resolution in support of family planning.<sup>24</sup>

Furthermore, many unions are decidedly not neutral with respect to other issues of importance to social conservatives. For example:

- In a 2005 debate to reauthorize Head Start, the SEIU criticized an amendment which would have granted faith-based organizations administering Head Start programs the liberty to take faith into account in employment decisions.<sup>25</sup> Two of the SEIU’s 18 “Key Roll Call Votes” of 2005 pertained to hiring practices of faith-based organizations.<sup>26</sup>
- Union leaders vigorously opposed the nomination of strict constructionists to the Supreme Court but have strongly supported the confirmation of judicial activists to the bench. AFL-CIO president John Sweeney, for example, has called on the Senate “to swiftly confirm” Judge Sonia Sotomayor, but he condemned the nomination of then Judge Samuel Alito stating, “Americans absolutely cannot afford to have Judge Alito making decisions that will impact the day-to-day lives of their families for generations to come.”<sup>27</sup>

Additionally, unions can be expected to utilize some of the additional resources that would follow enactment of EFCA to elect and support more Democratic candidates with decidedly left-of-center views. The relationship between party affiliation and opinions on values issues is well established, and the extent to which EFCA would help fund the election of larger numbers of Democrats would very much produce a legislative environment less hospitable to the pro-family agenda. Consider:

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<sup>21</sup> <http://www.lifenews.com/nat84.html>

<sup>22</sup> <http://www.afscme.org/issues/7417.cfm>

<sup>23</sup> <http://www.washingtontimes.com/news/2004/apr/19/20040419-124027-8621r/>

<sup>24</sup> <http://www.washingtontimes.com/news/2003/jul/01/20030701-110642-5296r/>

<sup>25</sup> <http://seiuorg.capwiz.com/seiuorg/vote.xc/?votenum=493&chamber=H&congress=1091&voteid=8077486&state=US>

<sup>26</sup> <http://seiuorg.capwiz.com/seiuorg/vote.xc/?votenum=493&chamber=H&congress=1091&voteid=8077486&state=US>; and <http://seiuorg.capwiz.com/seiuorg/vote.xc/?votenum=492&chamber=H&congress=1091&voteid=8077391&state=US>

<sup>27</sup> <http://www.aflcio.org/mediacenter/prsptm/pr05262009.cfm>; <http://www.aflcio.org/mediacenter/prsptm/pr12142005.cfm>.

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- According to the 2008 *Senate Scorecard* produced by AFL-CIO, sitting Republican Senators have an average lifetime score of 18 percent. In contrast, the average lifetime score for Democratic Senators is 90 percent.<sup>28</sup>
- According to the Family Research Council (FRC), the results of the 2006 election yielded “a Congressional Leadership generally hostile to pro-family legislation.” FRC’s legislative scorecard for the 110<sup>th</sup> Congress yielded an average Republican score of 86 percent and an average Democratic score of 8 percent.<sup>29</sup>

## **The Bottom Line**

The magnitude of the EFCA’s financial impact on union coffers would put values conservatives at a decided disadvantage for the foreseeable future. In many cases, the additional contributions from unions to specific issues and liberal candidates would result in decisive losses for the pro-family movement.

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<sup>28</sup> [http://www.aflcio.org/issues/legislativealert/votes/upload/senate\\_final\\_2008.pdf](http://www.aflcio.org/issues/legislativealert/votes/upload/senate_final_2008.pdf)

<sup>29</sup> <http://downloads.frcaction.org/EF/EF08I02.pdf>