

Spring 2019

## The Post-*Janus v. AFSCME* World for Teachers' Unions

Tran Le  
Yale College, New Haven Connecticut

### Abstract:

On June 27, 2018, the Supreme Court ruled it a violation of the First Amendment to force non-union members to pay union fees. Previously, under the unanimous 1977 decision in *Abood v. Detroit Board of Education*, twenty-two states had allowed public-sector unions to charge employees who chose not to join their union. What they paid for was not membership dues but their “fair share” – they were covered by and benefitted from the unions’ collective bargaining agreements, even as non-members. These “fair share” or “agency” fees were often about two-thirds the cost of paying for full membership, giving public employees the choice of paying, for example, \$1000 per year or \$650 per year.<sup>1</sup> But this forty-year precedent has now been overturned with *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. Although public-sector unions cover countless professions such as health care, retail, construction, and law enforcement, this paper will focus on teachers’ unions, particularly on their reactions to *Janus v. AFSCME*.

Suggested Citation: Le, T. (2019). *The Post-Janus v. AFSCME World for Teachers' Unions* (Unpublished Education Studies capstone). Yale University, New Haven, CT.

---

This capstone is a work of Yale student research. The arguments and research in the project are those of the individual student. They are not endorsed by Yale, nor are they official university positions or statements.

The Post-*Janus v. AFSCME* World for Teachers' Unions

Tran Le

Education Studies 410: Senior Colloquium and Project

Professor Richard Hersh

April 18, 2019

## I. Introduction

On June 27, 2018, the Supreme Court ruled it a violation of the First Amendment to force non-union members to pay union fees. Previously, under the unanimous 1977 decision in *Abood v. Detroit Board of Education*, twenty-two states had allowed public-sector unions to charge employees who chose not to join their union. What they paid for was not membership dues but their “fair share” – they were covered by and benefitted from the unions’ collective bargaining agreements, even as non-members. These “fair share” or “agency” fees were often about two-thirds the cost of paying for full membership, giving public employees the choice of paying, for example, \$1000 per year or \$650 per year.<sup>1</sup> But this forty-year precedent has now been overturned with *Janus v. American Federation of State, County, and Municipal Employees, Council 31*.

Workers who opposed their unions’ politics, such as plaintiff Mark Janus, a state child-support specialist in Illinois, believed that non-union members should not be compelled to fund any type of union activity because any payment to the union infringes on their free speech rights. On the contrary, unions argued that contract negotiations are not forced political speech, but a necessary part of the process of setting wages and working conditions.<sup>2</sup> When a similar case, *Friedrichs v. California Teachers Association*, was presented to the Supreme Court in 2016, it ended with a 4-4 tie after Justice Antonin Scalia passed away – *Abood* was upheld. With the addition of Justice Neil Gorsuch this time around, a 5-4 court majority sided with Mark Janus and non-union members. Now, public employees may choose to pay \$1000 to their union per year or nothing at all.

---

<sup>1</sup> Marianno, Bradley D., and Katharine Strunk, “After Janus: A New Era of Teachers Union Activism,” *Education Next* 18, no. 4 (2018). <https://www.educationnext.org/after-janus-new-era-teachers-union-activism-agency-fees/>

<sup>2</sup> Underwood, Julie, “What Janus Means for Teachers Unions,” *Phi Delta Kappan* 99, no. 8 (2018): 76-77. doi:10.1177/0031721718775687

Although public-sector unions cover countless professions such as health care, retail, construction, and law enforcement, this paper will focus on teachers' unions, particularly on their reactions to *Janus v. AFSCME*. The literature suggests that politics and finances are the primary reasons for opting out of teacher union membership.<sup>3</sup> Teachers with political views contrary to the position their union takes may not want to support the union, as was the case with Mark Janus. As teaching is already a low-paid profession, others believe that the benefits of union membership are not worth the monetary costs. As such, the *Janus* decision will likely affect membership numbers, and there is early evidence of this occurring. On October 24, it was reported that the National Education Agency (NEA), the largest teachers' union in the nation, had decreased by 17,000 members since its last report in April, currently totaling 3,001,570 members. Even more detrimental, NEA has lost more than 87,000 former agency fee payers since the *Janus* ruling.<sup>4</sup> Knowing this, unions as a whole must take action to prevent more of these types of losses. They will have to further convince teachers that unions are absolutely essential to their own professional lives in order to retain union members and revenue. So, what *are* unions doing? How has *Janus v. AFSCME* impacted them? This capstone project aims to answer these questions and gain a broad understanding of the new landscape for teachers' unions. Because every state is now "right to work" for public-sector employees—meaning that they cannot be forced to opt in to union membership or pay dues—this project will initiate the literature on how teachers' unions are working to not only combat this drastic change in public-employment law, but also gain strength from it.

---

<sup>3</sup> Moe, Terry M. *Special Interest: Teachers Unions and America's Public Schools*. Washington, DC: Brookings Institution Press, 2011.

<sup>4</sup> Antonucci, Mike, "Union Report Exclusive: Internal Report Shows NEA Losses of 17,000 Members and 87,000 Fee Payers Since Janus Decision," *The 74* (2018). <https://www.the74million.org/article/union-report-exclusive-internal-report-shows-nea-losses-of-17000-members-and-87000-fee-payers-since-janus-decision/>

### *Historical Context*

In order to examine how the *Janus* case will change the operations of teachers' unions and their environment, we must first understand what functions teachers' unions serve and how they came to be. In the first half of the twentieth century, teachers' unions in the United States were mainly professional organizations and had no part in contract negotiations between teachers and school districts. Starting with Wisconsin in 1959, states began passing legislation that either gave teachers the right to collectively bargain or explicitly mandated that districts negotiate with unions in good faith.<sup>5</sup> With the rapid growth of collective bargaining over the next two decades, teachers' unions garnered notable power over wages, benefits, and conditions of employment. More broadly, they became an institutional stakeholder in public education, influencing the educational program of school districts and the elections of school board members, top state education officials, and members of state legislatures. At the national level, teachers' unions have given formidable support to Democratic presidential candidates, and they traditionally have held sway on education bills being deliberated on in Congress.<sup>6</sup>

Although the majority of public-school teachers in America have union representation, membership does vary geographically. States' union strength correlates with their history of collective bargaining, rhetoric of unionism, and predominant political or ideological orientation.<sup>7</sup> Places where unions have long been accepted as vital to the economy and labor force are more likely to mandate bargaining and to formerly have permitted agency fees. These areas with

---

<sup>5</sup> Lovenheim, Michael F. and Alexander Willén, "A Bad Bargain," *Education Next* 16, no. 1 (2016). <https://www.educationnext.org/bad-bargain-teacher-collective-bargaining-employment-earnings/>

<sup>6</sup> Loveless, Tom, ed. *Conflicting Missions?: Teachers Unions and Educational Reform*. Washington, D.C.: Brookings Institution Press, 2000. <http://www.jstor.org/stable/10.7864/j.ctv80cd0x>

<sup>7</sup> Winkler, Amber M., Janie Scull, and Dara Zeehandelaar. "How Strong are U.S. Teacher Unions? A State-by-State Comparison." October 29, 2012. <https://files.eric.ed.gov/fulltext/ED537563.pdf>

positive attitudes toward organized labor are then more likely to have workers become union members. Voters in ideologically liberal places tend to hold favorable views of unions and to elect Democratic officials, who are usually receptive to union interests, in turn. Consequently, states in the northeast and west coast have the strongest teachers' unions, followed by the western and central states, and then lastly, the south.<sup>8</sup>

### *Contemporary Context*

In analyzing the post-*Janus* world for teachers' unions, it is also important to acknowledge the political context in which this transition is taking place, which has been quite dynamic and contentious. The election of President Donald Trump and his appointment of Betsy DeVos as Secretary of Education have resulted in a decrease in federal governance and financial support of traditional public schools.<sup>9</sup> Consequently, teachers are generally unfavorable of DeVos in office. Her notoriety as a critic of labor unions and supporter of the wealthy over the working class has only contributed to her polarizing repute. A month after the *Janus* ruling, federal labor mediators found that the Education Department violated federal law with the implementation of a contract that curtailed protections and access to union representation for its employees.<sup>10</sup> The department's actions align with Trump's efforts to ease the firing of federal workers and to scale back the conduct of union duties during the workday.<sup>11</sup> Along with a

---

<sup>8</sup> Ibid.

<sup>9</sup> Balingit, Moriah, and Danielle Douglas-Gabriel, "Congress Rejects Much of Betsy DeVos's Agenda in Spending Bill," *Washington Post*, March 24, 2018. [https://www.washingtonpost.com/news/education/wp/2018/03/21/congress-rejects-much-of-betsy-devoss-agenda-in-spending-bill/?utm\\_term=.896de4b81f99](https://www.washingtonpost.com/news/education/wp/2018/03/21/congress-rejects-much-of-betsy-devoss-agenda-in-spending-bill/?utm_term=.896de4b81f99)

<sup>10</sup> Green, Erica L., "Education Dept. Illegally Curbed Workers' Union Protections, Mediators Suggest," *New York Times*, July 24, 2018. <https://www.nytimes.com/2018/07/24/us/politics/labor-rules-education-department-betsy-devos.html>

<sup>11</sup> Scheiber, Noam, "Trump Moves to Ease the Firing of Federal Workers," *New York Times*, May 25, 2018. <https://www.nytimes.com/2018/05/25/business/economy/trump-federal-workers.html?module=inline>

political administration known for “union-busting,”<sup>12</sup> the wave of teacher strikes in spring of 2018 has indirectly brought attention to teachers’ unions. The walkouts and rallies in Republican-dominated, politically conservative states like West Virginia, Oklahoma, and Arizona were in protest of cuts in teacher pay, benefits, and school funding, among other issues.<sup>13</sup> And the wave has not receded – the Los Angeles and Denver teachers’ unions are the latest to strike, in early 2019.<sup>14</sup> Teachers across the country are feeling a sense of empowerment as several states have succeeded in obtaining salary increases: for example, teachers in West Virginia won a 5 percent pay raise, and teachers in Arizona are receiving a 20 percent raise in totality by 2020.<sup>15</sup> Despite the weak power of teachers’ unions in right-to-work states, the recent display of teacher protests and triumphs suggest that strong unions may not be essential to labor activism and protection assurances.<sup>16</sup> This realization may factor into the outcomes of the *Janus* ruling, in terms of teachers’ decisions to opt out of union membership.

The midterm elections of 2018 had also provided a common cause for teachers’ union members to organize around, creating political momentum. Union leaders claimed an increase in members attending rallies, canvassing neighborhoods, and phone banking, relative to previous election cycles. NEA reported that in the month of October, 180,000 of its members participated in some type of campaign activity, such as phone banking or knocking on doors, in comparison

---

<sup>12</sup> Balingit, Moriah, “Workers Accuse Trump Administration, DeVos of Union-Busting,” *Washington Post*, March 28, 2018. [https://www.washingtonpost.com/local/education/workers-accuse-trump-administration-devos-of-union-busting/2018/03/28/36e6f0a4-32bd-11e8-94fa-32d48460b955\\_story.html?utm\\_term=.719faa2fecce](https://www.washingtonpost.com/local/education/workers-accuse-trump-administration-devos-of-union-busting/2018/03/28/36e6f0a4-32bd-11e8-94fa-32d48460b955_story.html?utm_term=.719faa2fecce)

<sup>13</sup> Hess, Frederick M., “Year of the Strike,” *National Review*, October 29, 2018. <https://www.nationalreview.com/magazine/2018/10/29/year-of-the-strike/>

<sup>14</sup> Yan, Holly, and Carma Hassan, “From Coast to Coast, A New Wave of Teachers’ Strikes Could Be Brewing,” *CNN*, January 29, 2019. <https://www.cnn.com/2019/01/28/us/january-2019-teacher-strikes/index.html>

<sup>15</sup> Goldstein, Dana, “Teachers in Oklahoma and Kentucky Walk Out: ‘It Really is a Wildfire,’” *New York Times*, April 2, 2018. <https://www.nytimes.com/2018/04/02/us/teacher-strikes-oklahoma-kentucky.html>

<sup>16</sup> *Ibid.*

to 80,000 members in 2016 for the presidential election.<sup>17</sup> In its entirety, the year of the *Janus* Supreme Court ruling has been a politically tumultuous one for teachers, especially those who are union members.

Well before and immediately after the *Janus* decision was made, news media speculated on the effects it would have on teachers' unions as a whole. With headlines such as "This Supreme Court Case Is The Biggest Threat to Organized Labor in Years"<sup>18</sup> and "Hobbling Unions in the Name of Free Speech,"<sup>19</sup> they largely predicted that teachers' unions would lose members, based on Wisconsin- and Michigan-based research studies after their unions lost the power to collect agency fees in 2011 and 2013, respectively.<sup>20</sup> Similarly, education reporters predicted that unions would lose money both from already non-union members and formerly union members who opt out, thereby exacerbating the free-rider problem.<sup>21</sup> NEA's budget committee forecasted a loss of 307,000 members, or fourteen percent, over two years as a result of *Janus*, so in preparation, they reduced the budget for 2018-2020 by \$50 million.<sup>22</sup> More nuanced predictions included teachers going on strike more often due to weakened union structures, as mentioned previously,<sup>23</sup> unions spending a larger portion of money on political

---

<sup>17</sup> Emma, Caitlin, and Mel Leonor, "Teachers Unions Skirt Political Blow from Janus Ruling Ahead of Midterms," *POLITICO*, November 1, 2018. <https://www.politico.com/story/2018/11/01/teachers-unions-midterms-908081>

<sup>18</sup> Jamieson, Dave, "This Supreme Court Case Is The Biggest Threat to Organized Labor in Years," *The Huffington Post*, February 19, 2018. [https://www.huffpost.com/entry/janus-unions-supreme-court-case\\_n\\_5a873b4de4b00bc49f43decd](https://www.huffpost.com/entry/janus-unions-supreme-court-case_n_5a873b4de4b00bc49f43decd)

<sup>19</sup> Ford, Matt, "Hobbling Unions in the Name of Free Speech," *The New Republic*, February 26, 2018. <https://newrepublic.com/article/147204/hobbling-unions-name-free-speech>

<sup>20</sup> Marianno and Strunk, "After Janus."

<sup>21</sup> Kamenetz, Anya, and Cory Turner, "Is This Supreme Court Decision the End of Teachers Unions?" *National Public Radio*, June 27, 2018. <https://www.npr.org/sections/ed/2018/06/27/617893848/is-this-supreme-court-decision-the-end-of-teachers-unions>

<sup>22</sup> Will, Madeline, "The Largest Teachers' Union Predicts a 14 Percent Membership Loss Over Two Years." *Education Week* (blog). July 1, 2018. [http://blogs.edweek.org/edweek/teacherbeat/2018/07/nea\\_budget\\_cuts\\_after\\_supreme\\_court\\_ruling.html](http://blogs.edweek.org/edweek/teacherbeat/2018/07/nea_budget_cuts_after_supreme_court_ruling.html)

<sup>23</sup> Kamenetz, Anya, and Ari Shapiro, "Now It's North Carolina Teachers' Turn: How Did We Get Here? What's Next?" *National Public Radio*, May 15, 2018. <https://www.npr.org/sections/ed/2018/05/15/609734857/north-carolina-teachers-join-the-march-how-did-we-get-here-what-s-next>

lobbying in order to ensure collaboration between elected school board members and educators, and unions experiencing weakened power to oppose school choice and other education reforms.<sup>24</sup> This research study determines that teachers' unions have indeed implemented a myriad of practical and rhetorical strategies in preparation for and in response to the *Janus* decision, all in effort to reconnect with traditional union values.

## II. Scope of Research & Research Questions

*Research questions:*

1) In what ways have teachers' unions adopted new strategies (practical or rhetorical) to seek strength and success in the post-*Janus v. AFSCME* environment, both in the short-term and in the long-term?

2) From the unions' perspective, have there been any observable impacts on teacher unionization and the power of teachers' unions in the ten months since the ruling?

I examine the union perspective through interviewing union leadership and analyzing formally published union responses. I investigate unions' responses to the ruling to find out a) the nature of this post-*Janus* climate for unions and b) how unions are working to adapt to it, both in terms of their language and rhetoric and their practice and action, and distinguishing between short-term reactions and long-term plans, when necessary. Through my research, I question if there are any observed changes on teacher unionization from the ruling after six to ten months. As a decrease in membership numbers is expected and occurring already, I ask what data exist to explain internal union effects, such as if *Janus* has forced unions to change their

---

<sup>24</sup> Anya Kamenetz and Cory Turner, "Is This Supreme Court Decision the End of Teachers Unions?"

priorities or implement new strategies (perhaps focusing more on teacher engagement to retain teachers or increasing spending on political candidates who align with their interests and will support them if elected, in turn). Beyond the effects on unions themselves, I examine the implications of these effects, particularly on the teacher workforce since unions work on behalf of teachers.

### III. Methodology

My research methodology consists of two components: interviews with teachers' union presidents and primary-source online research. My participant pool included not only presidents of fair share states<sup>25</sup> but also presidents of right-to-work states. Although the latter had already prohibited collecting agency fees and consequently were not directly affected by *Janus*, the state union branches comprise the national union, so they still feel the ramifications through the national branch.

I conducted semi-structured, phone call interviews with 12 American Federation of Teachers (AFT) union presidents in total, covering 8 fair share states and 3 right-to-work states. 11 were presidents of a state branch, and 1 was president of a local branch. I identified subjects through two avenues: 1) Rob Weil and Jason Edwards from the AFT Educational Issues team introduced me to two teachers' union presidents, who then started my snowball sample by connecting me with other presidents that they knew; and 2) I found union presidents' emails online and personally requested to interview them. My interview-based research study falls

---

<sup>25</sup> From the [National Right to Work Legal Defense Foundation](#) - Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington (and the District of Columbia)

under the Institutional Review Board exemption category 2, and the information collected is held in confidentiality.

*Interview questions:*

1. How did you react to the *Janus* decision?
2. How is your union looking to adapt to the new landscape post-*Janus*? Have you implemented any new strategies?  
(management of assets and workforce, recruitment strategies, etc.)
3. Are there strategies your union is setting in place to prepare for success in the long-term?
4. Have you observed any changes in the environment your union operates?  
(morale of union leadership, shifting focuses and priorities, etc.)
5. Is the work of your union impacted so far?  
(change in capacity to support teachers, combatting legal challenges, e.g. lawsuits for reimbursement of agency fees or for extensions to time-limited windows to opt-out,<sup>26</sup> etc.)
6. Have you observed any changes in teacher attitude or conflict?
7. How do you think the recent teacher strikes across the country fit into this post-*Janus* environment?
8. What do you think about the implications of *Janus* on unions at large? What about the implications on American education?

After my interviews were completed and transcribed, I coded them through NVivo by analyzing the content and distinguishing the most salient themes that emerged throughout the data. Thus, my main findings derive from the interviewees' responses themselves and not from preconceived categories of responses from existing literature, news reports, or other sources. The interviews provide detailed insight into how individuals within these organizations are impacted by or reacting to the case. I expected the straightforward questions regarding research question #2 (strategies) to have factual, objective answers, and suspected that questions pertaining to

---

<sup>26</sup> Will, Madeline, "“This Road Just Got a Lot Harder”: Teachers’ Unions Hit With New Round of Lawsuits,” *Education Week*, October 15, 2018. <https://www.edweek.org/ew/articles/2018/10/15/this-road-just-got-a-lot-harder.html>

research question #1 (unionization and power) would elicit a bias towards displaying the formidable strength of unions in the face of this Supreme Court ruling. For example, on the day of the ruling, AFT published a news post on its official website titled “After Janus, we’re in it to win it,” stating, “Our members are more engaged than ever, and we’re taking our activism to the next level.”<sup>27</sup>

In addition, my primary source analysis provides a broader look at unions’ formal responses to the *Janus* decision either to its members or to the general public. I researched primary sources such as news articles and teachers’ unions’ websites to report on findings pertaining to my research questions. For example, AFT had rolled out a recommitment program in 10 states representing nearly 800,000 members directly affected by *Janus*.<sup>28</sup> *The 74* reported that in response to *Janus*, the NEA is looking for ways to reduce expenditures, such as by cutting two days of its annual convention and eliminating the convention expo.<sup>29</sup>

#### **IV. Literature Review**

Secondary scholarship regarding teacher unionization typically falls into three areas of research: its impacts on American education and reform, the motivations of teachers who join unions, and the effects of collective bargaining. Because the *Janus v. AFSCME* decision was made recently, there is not yet any literature written on it. Therefore, this capstone project draws on the existing work in these three fields focusing on the benefits and controversies of unions on education stakeholders. This scholarship informs my research on the ways in which the *Janus* decision may change teacher unionization and weaken the power of teachers’ unions.

---

<sup>27</sup> Licitra, Annette, “After Janus, We’re in it to Win it.” *American Federation of Teachers* (blog). June 27, 2018. <https://www.aft.org/news/after-janus-were-it-win-it>

<sup>28</sup> Annette Licitra, “After Janus.”

<sup>29</sup> Antonucci, “Union Report Exclusive.”

*American Education*

The scholarship on school reform often focuses on the role of teachers' unions in K-12 public education, specifically on whether they act as enablers or inhibitors of learning. One side of the debate argues that teachers' unions use their political clout to obstruct state reform efforts, maintaining teacher employment security at the expense of improving student learning.<sup>30</sup> The oppositional side argues that teachers' unions are actually bulwarks of professionalism in education and do not hurt student achievement, as highly unionized states perform at least as well, and oftentimes better, than other states on the National Assessment of Educational Progress and other indicators.<sup>31</sup> Consequently, many scholars have attempted to gain a better understanding of teachers' unions' effects in the classroom by measuring their impact on student academic performance. For example, a study of a wave of unionization among California charter schools through collection of student achievement data from 2003-2013 concluded that unionization significantly improved math test score performance and had no effect on English test score performance.<sup>32</sup>

While it is difficult to generalize from the evidence on how unions affect student achievement, since researchers have utilized a variety of achievement measurements and methodologies, the average-achieving student is not harmed by attending union schools and might even slightly improve, whereas students who are low-achieving and at-risk or high-achieving tend to perform better in non-union schools.<sup>33</sup> This capstone project is not trying to make a linkage between unionization and student outcomes; even if it were within the scope of

---

<sup>30</sup> Cowen, Joshua, and Katharine O. Strunk, "How Do Teachers' Unions Influence Education Policy? What We Know and What We Need to Learn." The Education Policy Center at Michigan State University (April 2014).

<sup>31</sup> Winkler, Scull, & Zeehandelaar. "How Strong are U.S. Teacher Unions? A State-by-State Comparison."

<sup>32</sup> Matsudaira, Jordan D. and Richard Patterson. "Teachers' unions and school performance: Evidence from California charter schools." *Economics of Education Review*, 61. (2017): 35-50.  
doi:10.1016/j.econedurev.2017.09.005

<sup>33</sup> Eberts, Randall W., "Teachers Unions and Student Performance."

this project, it would still be too early to determine whether *Janus v. AFSCME* will influence the education that children are receiving. However, it is important to acknowledge this body of literature since my interviews provide insight into how teacher efficacy – which is a significant factor of student learning<sup>34</sup> – may be impacted, at least from the perspective of the organizations partially responsible for teachers’ working conditions and livelihood.

### *Teachers’ Motivations*

Several scholars have investigated the question of why teachers become union members, and the consensus is that teachers’ motivations predominantly rely on their support for collective bargaining and political activities or on the direct benefits they receive.<sup>35</sup> The most elaborate study was one nationwide survey of teachers’ union members, which found that 51 percent indicated support of collective bargaining alone or the combination of collective bargaining and politics as their main reason for joining; 28 percent reported joining mainly to ensure the union’s protection, such as legal representation in grievance and court proceedings if threatened with dismissal or sanction; 9 percent responded that receiving insurance was their main reason for joining (liability insurance, for example, protects teachers when parents sue them for their conduct at work); and 8 percent said that they joined mainly because they have to or are expected to.<sup>36</sup>

On a smaller scale, a field experiment conducted during a 2017 Iowa teachers’ union recertification election found that union members were more likely to try to vote when reminded of the professional benefits, such as trainings, teaching resources, and certifications, their union offered, rather than legal protections or political representation. Teachers indicated that they

---

<sup>34</sup> Rice, Jennifer King. *Teacher quality: Understanding the effectiveness of teacher attributes*. Economic Policy Institute, 1660 L Street, NW, Suite 1200, Washington, DC 20035, 2003.

<sup>35</sup> Moe, Terry M. *Special Interest*.

<sup>36</sup> *Ibid.*

value professional benefits because benefits strengthen the professional community in which they belong, offer a fair value return for paid dues, and directly improve the quality of their work.<sup>37</sup> This literature has implications for what new strategies could work in generating teachers' union support. As such, this capstone project aims to determine whether teachers' unions are, for example, adjusting communication with their members and new teachers in such a way as to better retain current members and attract potential recruits.

### *Collective Bargaining*

Collective bargaining agreements, negotiated between teachers' unions and school boards, determine a significant portion of the regulations that govern school district policy. As a result, scholars have expounded upon the outcomes of collective bargaining agreements since their advent in mid-twentieth century. These contracts delineate teacher compensation, hiring practices, transfer processes, evaluation mechanisms, and grievance procedures, and they regulate the behavior of teachers and district administrators.<sup>38</sup> There is no doubt as to the efficacy of collective bargaining in strengthening teacher protections and benefits. A study of large school districts in the eleven states without collective bargaining legislation, for example, found that the presence of a collective bargaining agreement increased average teachers' wages by 9.5 percent and increased average school district expenditures by 15.6 percent.<sup>39</sup>

On the other hand, scholars have also criticized collective bargaining for limiting the flexibility of administrators in setting new policies and being able to respond to the changing

---

<sup>37</sup> Hertel-Fernandez, Alexander, and Ethan Porter, "Bread and Butter or Bread and Roses? Experimental Evidence on Why Public Sector Employees Support Unions." *SSRN Electronic Journal* (2018). doi:10.2139/ssrn.3214662

<sup>38</sup> Rose, Heather, and Jon Sonstelie. "School Board Politics, School District Size, and the Bargaining Power of Teachers' Unions," *Journal of Urban Economics* 67, no. 3 (2010): 438-450. doi:10.1016/j.jue.2010.01.001

<sup>39</sup> Duplantis, Malcolm M., Timothy D. Chandler, and Terry G. Geske. "The Growth and Impact of Teachers Unions in States Without Collective Bargaining Legislation." *Economics of Education Review* 14, no. 2 (June, 1995): 167-178. doi:10.1016/0272-7757(95)90396-p

needs of students.<sup>40</sup> A study that was conducted to determine the association between union strength and the degree of constraints in collective bargaining agreements found that contracts in districts with stronger, more politically organized unions gave school district administrators less flexibility than do contracts in districts with weaker, less active unions.<sup>41</sup> Does *Janus v. AFSCME* affect the bargaining power of teachers' unions now that mandated agency fees to cover collective bargaining has been illegalized? It is possible, for example, that with the loss in teachers' union membership and dues, the bargaining power of teachers' unions will diminish, which could then lead to weakened teacher protections and other ramifications on district policy.

## V. Findings

My interviews with teachers' union presidents revealed that the new strategies that unions have and are adopting in response to *Janus v. AFSCME* are primarily responsible for the case's impact on teacher unionization and power. Therefore, I will begin this section by delineating the rhetorical and practical changes unions have been making, in answer to research question #1. Then, I will discuss how these changes have led to observable impacts on teacher unionization and the power of teachers' unions, in answer to question #2. Finally, I will close this section by discussing the limitations of my study as well as potential future research directions for this topic. All names used are fictional to protect the confidentiality of my interviewees.

---

<sup>40</sup> Eberts, Randall W., "Teachers Unions and Student Performance: Help or Hindrance?" *The Future of Children* 17, no. 1 (2007): 175-200. doi:10.1353/foc.2007.0001

<sup>41</sup> Strunk, Katherine O. and Jason A. Grissom. "Do Strong Unions Shape District Policies?" *Educational Evaluation and Policy Analysis* 32, no. 3 (September 2010): 389-406. doi:10.3102/0162373710376665

### **Strategies to Maintain Strength**

*In what ways have teachers' unions adopted new strategies (practical or rhetorical) to seek strength and success in the post-Janus v. AFSCME environment, both in the short-term and in the long-term?*

#### *Communication Strategies*

Each one of the participants noted that their union had been preparing for something akin to *Janus* to be passed approximately two years prior because of the *Friedrichs* case. Between 2015 and 2017, union leadership began ensuring that one-on-one conversations were occurring with each of their members, with the goal of a permanent diversion from the types of conversations they had before. Jonathan explained, "In the past...we were collecting dues from you and rebating you for fair share, so my discussion with you was really more procedural... Now, as a staff person who goes out into the building, they have to have a one-on-one conversation to reach you. They got to figure out where is the connection point, the personal connection point with you." Another president, Nicolas, voiced that more practically, building relationships meant "listening to their concerns, or talking to them about what's going on in their workplace, talking to them about the value of the union." When I asked whether this practice of union staff talking to membership was sustainable in the long-term, several interviewees detailed that this work was not limited between staff and members. "One-on-one conversations are actually happening educator to educator... So, from a union staff perspective, we're not dependent on our staff to do the work that our members are doing each and every day. And it's really those one-on-one conversations with our colleagues that are the most meaningful and most helpful," Elizabeth said. In this way, members are constantly reminded of how supportive and useful their union can be.

Moreover, most interviewees expressed that their state branch carried out targeted communication strategies to the local leadership, union members, non-members, and even the public. One state executed a “48-hour plan” after the *Janus* decision was made, with the release of video messages, email messages, newsletter-type information, and mailed letters: “So we had messages going out to membership, we had messages going out to the local leadership, to our boards through those videos. And the overarching message was, *we are ready for this, we are strong. There's value in the union. And let's get out, and we said, game on,*” Nicolas declared.

**Locals.** State branches worked extensively with local leadership so that they would understand the legal implications of the *Janus* decision and, more importantly, fully comprehend the work necessary to build strong locals. “So, we had a full-day workshop for the local leadership teams on the *Janus* legislation because in all honesty, a lot of local leaders were saying, ‘Well if they're not a member, I'm not going to represent them.’ That is their first gut reaction. And that wasn't necessarily where they had to go. And we knew, by taking that attitude, some of them could find themselves in trouble. So, we did a lot of educating, and we made the attorney available in case someone had a question,” Victoria reported. Albeit more explicitly, Kristina echoed this sentiment of staying equally connected to non-members as to members: “...we've assessed a lot of our non-members. We know how they feel and what issues matter to them and where they're connected, so we made it more about a value base as opposed to paying dues.” Instead of focusing less on non-members than members, as was the usual practice prior to *Janus*, unions must now pay equal attention to all educators because they do not have the safety net of agency fees to buffer membership losses.

**Membership.** In addition, Victoria spoke about the necessity of educating the general membership because “while we had to turn non-members into members, we needed to make sure

our members understood what the union is doing for them and how they play into this.” She then described two methods in service of this aim. “So we were working with our communication person here in the A.F.T. so locals, the social media piece, the Facebook piece, if anyone needed local help putting together a local communication, a newsletter or something, like we were there to help them develop this communication piece.” Besides the use of technology as a communication strategy, Victoria explicated a motivational change in rhetoric:

We were making sure any legislative input and victories that we had...we were very proactive, saying that ‘Your union did this,’ where I’m thinking before *Janus*, we used to do things and not necessarily toot our own horns. So, we were looking to any way possible to make sure people who are our members understand the value of their union. Because you have leaders, you have activists and, I call them, people within the bubble who are in tune to things, but the vast majority of our members are members because they’re members, and they take a lot for granted.

Thus, the ultimate goal of this deliberate messaging about and framing of union activity was to convince members that unions were absolutely essential to their own professional lives.

**Public.** Beyond communication with membership, Kristina described her union’s efforts to connect with the local communities more broadly: “We did bus tours around the state talking to parents, talking to communities, talking to businesses, and basically joined partnerships with the community about what’s best for the community.” She highlighted this notion that taking action in the face of *Janus v. AFSCME* involved all stakeholders in education, not unions alone. “We just started having local leaders and our local members talking at meetings to reach out and talk to people about [the *Janus* case] and find out from them, what is it that *you* want to see? So we did grassroots – ‘What is it that you want to see that will make everything work better?’” Kristina said. Brenda also described initiatives that her union had taken on after the *Janus* decision in order to better engage with the community and provide opportunities for their members to work together for a common purpose. One example was of a partnership between two locals – “maybe 100, 125 teachers between the two schools, and they raised \$10,000 in a

week to grant a wish for a little girl that lived in their area.” Particularly for those who are not necessarily attracted to union work, these initiatives allow members to see their union doing something meaningful to them and the community, and provide another reason to want to be a part of the union. As such, the *Janus* decision transformed not only the interactions within union buildings and schools, but also between unions and the communities to which they belong.

### *Organizational Structures*

After the *Janus* decision, several union presidents described changes in organizational structures that were carried out to better enable this new, intentional form of conversation. In one state, for example, they are mapping out their school buildings and having one person be responsible for every ten members: “So if we need to do any kind of quick communication, quick mobilization, we have a communication system in place that allows that to happen. But also, beyond that, it allows for just continuous flow of communication between the leadership and the membership...” Brenda said. As the union’s primary modes of communication were previously via email, newsletters, and general membership meetings, it now does not have to rely upon people’s willingness to read emails and attend monthly meetings. Furthermore, Victoria remarked that the one-on-one conversations bring union leadership into contact with professional groups who do not have a union: “So as we’re organizing the people we already represent, our presence on these campuses have been elevated so we actually got to more locals. We have three new locals that we didn’t have before the *Janus* case.” As a more general, organizational tactic, Justin mentioned that his state “assessed all the various aspects of the union” and “had various committees working to see what was essential, what was not essential,” in planning for the outcome of the case.

### *Recommitment Campaign*

Once *Janus* was in sight, many interviewees spoke about having every single union member in their state sign a commitment card (or re-sign, if they had when they initially joined) as part of their recommitment campaign or program. There were three reasons for this. First, it reinforced the one-on-one conversation effort and was good for morale: "...it's like making a commitment to anything. You recommit yourself to being a part of a joint action with your fellow teachers," Jay said. The second and legal reason was that unions would be prepared if employers (mostly school districts) demanded to see signed commitment cards to permit collecting dues. Jay explained, "Some locals didn't have a card signed for people at all because they didn't do it in the school district, and the school districts just said, 'As soon as they came to work, well, they're part of the union, and we start taking out dues.' Nobody bothered to get their signature or anything... or they were collected so long ago that nobody knew exactly where they might be."

The third and practical reason was that it gave union leaders an opportunity to have a conversation particularly with former agency fee payers. Brenda remarked, "Our locals put a lot of extra effort this [school] year into making sure that they got to every teacher...whereas in the past, we might have not been as aggressive about trying to get those memberships." Victoria, along with others, claimed, "Some of the people, because they were paying agency fee, saw that coming out of their paycheck and honestly thought they were a union member. So when we've said, 'You're not a union member,' 'Oh yeah, I am,' and then you explain, many of them just sign up." Philip reported that his union converted 1,500 fair-share payers to membership status by having these conversations. Interviewees also mentioned the need for the language on the card to be in accordance with the *Janus* decision and their state laws. Philip specified that his union, in conjunction with attorneys, wrote a new "Janus-proof card," on which the two

signature lines indicated approval of being a union member and of paying an annual fee until opting out.

### *Recruitment Strategies*

Beyond the recommitment campaign, a few participants elaborated on reaching out to non-members as a recruitment strategy. Victoria explained that her state branch and the national branch hired joint organizers to work on, what they called, “blitzes.” “Prior to the blitz, [union staff] look up schedules so they know where people are at different times of day. And for that week, our target is to reach every single non-member and talk to them... So it's constantly just re-evaluating, looking at which locals have a lower percentage of members and working with those local leaders to go and build up their membership.” As a retention strategy, several participants stated that when a member drops out or even considers it, union leadership immediately reaches out to discover the reasoning, to see if there is an issue that can be resolved, and to reiterate the importance of belonging to a union.

Jonathan offered strategies for recruiting newly employed teachers. Instead of lecturing for two hours during the teacher orientation, he said, “We rethought that strategy, and we actually sat down at roundtables with them. So we have groups of union leaders speaking to them about the wages and healthcare, speaking to them about the professional issues, speaking to them about the benefits of class size, what our social-emotional learning program looks like, and we were able to generate that into smaller group sessions.” He also emphasized the importance of “identifying and connecting” with new and younger teachers. His union created distinct social media platforms for new teachers as well as those with five years of experience or less. “We've created a Pinterest page with ideas about what you can do for open house, what you can do for your bulletin boards, what are some clever topics that new teachers can use. Because we find, in

terms of accessing social media, our younger teachers are really engaged with that.” These strategies coincide with the aforementioned building-personal-relationships piece.

### *Logistical Strategies*

From an operations standpoint, updating membership databases and budgeting were two key logistical strategies that unions implemented in preparation for the *Janus* case. The purpose of cleaning up the union membership database was for leaders to be certain of who the members and non-members were, and to have accurate, personal information about them. In terms of budgeting, two interviewees described how *Janus* has affected union expenses and operations, but most revealing was how they both discussed the new financial prioritization of “organizing.” Philip specified, “...because in our state fed we lost over \$1 million right off the books with just fair share fee payers in our state budget, we had to do immediate long-term budgeting and cutting. So we've left some positions open, we haven't filled positions. We caught some discretionary stuff, and that's hard, but we've tried to invest in organizing and things like that.” Meanwhile, Justin said, “We've trimmed our budget nearly 20 percent... we used to put out a publication, a very glossy publication, and we decided we couldn't afford to do that any longer, and so it's all online... We decided that we could save a lot of money by not having yearly conventions and having biannual conventions so that the savings could be directed into hiring organizers and really focusing on the organizing aspect of our union.”

Interviewees from former fair-share states noted that they looked to unions from right-to-work states when strategically preparing for the *Janus* decision, especially to Michigan since it recently lost agency fees by state law. While proactive budgeting was one of the lessons that they learned, they predominantly examined how right-to-work states survive on an organizing model. Even without agency fees or collective bargaining, unions in right-to-work states have been able

to gain substantial influence through organizing, which is now the ultimate goal of unions in former fair-share states. Isaac shared:

Even if you don't have an absolute majority, you have a large enough plurality that you have members on every campus and every work site, you have very large sophisticated organizations, executive boards, large groups of leaders, you're able to have impact on school board elections, state legislative races. You're recognized in the community, you're invited to be a part of internal school district committees, the media recognizes us as the voice for the educators in the district.

### **Teacher Unionization and Power**

*From the unions' perspective, have there been any observable impacts on teacher unionization and the power of teachers' unions in the ten months since the ruling?*

#### *Union Organizing*

It was evident that these new strategies that teachers' unions adopted after *Janus v. AFSCME* were components of this larger change in teacher unionization—namely “organizing.” I wondered, what does it mean, exactly, to organize in the union context? When I questioned Justin about this, he answered, “It involves working on political campaigns. It means mobilizing around contract campaigns. It means having members being active in their locals, meaning not just being passive about the unions.” Jay asserted that his union had started this work in 2015 with the *Friedrichs* case underway: “We started doing more education of things with members to teach them basically how to be kind of like mini-organizers themselves so that they could get together as groups and just do things collectively because collective action is even more important than collective bargaining.” This organizing aspect seemed to be the greatest indicator of a highly engaged membership that unions are now striving for, as discussed previously.

Several other participants expounded upon this culture shift after the *Janus* case, from being service-oriented to organizing. Justin explained:

There has been an ongoing debate within the labor movement: are we service unions, or are we organizing unions? I think maybe that's a bit of a fault, a dichotomy. I think you

have to do both. By service, typically it means representing people in grievances or contract negotiations, providing insurance, and things like that. All of those things have to happen, but I think there is a greater awareness now that if members are not organized to act at the local level, and that's where it all begins and ends, you don't have a strong union and, you can't withstand *Janus*, or anything else, for that matter.

Elizabeth echoed this implication that the *Janus* ruling, rather than weakening the union as an institution, reinforced the importance of having a strong union. Moreover, to corroborate this claim, she was one of several interviewees who cited an increase in activism that occurred after the decision:

...what we found is in election 2018, we also saw more activism than ever before. And I think that the *Janus* case in a way kind of cemented in this idea that I'm proud of my union membership, I need my union membership because I know that together we can get a lot more done, alone I'm just one person. So, it kind of cemented in that idea of we're in this together, and we have to continue to build power together because if we don't work together, we're not going to achieve anything on behalf of our students, our profession. And we saw a big uptick in activism in our politics here. More educators voted than ever before. More people connected the dots to, "Oh, you mean the fact that my class sizes are so high are dependent on policymakers? Oh, well, we should really talk about that."

In order to progress this greater culture shift among teachers' unions, many interviewees spoke about an augmented effort to organize events that encouraged membership activism.

Thomas, for example, spoke about a walk-in to school sites by educators and students, named "the state of the schools," on the day of their governor's state of the union speech, as a message of support for public education and a demonstration of unification on the side of unions; on Martin Luther King Day, his union also did a solidarity march to the state capitol and met with legislators and representatives to discuss educational issues, and in the name of MLK, stand for "justice, peaceful demonstration, and all of his principles." More particularly to the political sphere, Victoria specified how their union has given their members different degrees of political involvement in order to prevent their complete rejection of union political activity:

Because people are busy, they have a personal life, they have family life, they have professional lives, we're looking to say to them, "We need you to come to a rally," and you may not get all the participation you want. But if you say to them, "We need you to send this letter out to your email, to your legislator," we're going to get a higher rate of

success. And then when we say to them, "We need you to come to this rally," they're already inducted into the process, so they don't mind doing that.

Finally, several participants conceptualized the future vision of unions as an ever-present entity of which members perceived themselves as a part. Victoria said, "We were also educating our local leaders that our concern was not just the agency fee but as members understood...that the union can't be just seen as an insurance company in case they get in trouble, that they had to do a lot of internal communication and a lot of internal organizing." Jay explained that his union's goal for the larger local branches with 1,000 or so members is to increasingly have the local president negotiate the contract: "And the professional staff that we provide and, what we call, field representatives would sit second chair instead of sitting first chair. So they would sit there and advise them... So then it's not third-party."

In a similar vein, Brenda touched on the objective of creating a sense of agency within the membership. "So, we're just trying to be much more intentional about making sure that there's not any top-down leadership, but that we're paying very close attention to each individual member and trying to make sure that we bring value to each of them." Perhaps most passionately, Philip described the sense of belonging that comes out of this culture shift and improves members' professional lives: "If you attach to and identify with the workplace, that workplace is *yours*, like you care about it. It isn't just someplace you go, 'I gotta spend eight hours here every day.' Do you know what I mean? Like that workplace is yours. It's your blood, sweat and tears. You're putting your life into that place, and that's what happens when you have a voice at work, and it's a union context. And that makes those workplaces better." Therefore, all the changes that teachers' unions have made in reaction to the *Janus* case has been in service of having individual members personally connect and identify with their union in order to increase

member engagement and activism, and strengthen their collective voice and power in advocating for their wants and needs.

While the interviewees' responses throughout this capstone have implicitly answered the question of if the *Janus* decision has yet undermined the power of teachers' unions, many of them explicitly expressed that the ruling has not. As to whether or not the ruling will do so in the future—participants covered a range of predictions and expectations, from realism to optimism, as evidenced by this sample of commentary:

I think we've taken a hit all over, but in some places it's been worse. So I don't want to minimize the negative aspect of that and laying out staff and cutting programs, and that's been quite hurtful. But I think it's made us a bit leaner and hopefully meaner. - *Justin*

And so I think the right wing thought this would be the immediate cataclysm of unions, and it didn't work out that way, thank God. But that's not to say everything's perfect. Like as I say, the phrase I use in this new- like, if *Janus* is a new day for our union, we are- right now, the sun is just peeking over the horizon. Like that's how early it is. We can't tell what the long-term effects are going to be yet. We have to be really prepared. - *Philip*

I don't think any of us are content to rest on our laurels because I believe we have to go every year as a new challenge to make sure we're connecting with our members, and we're having those conversations because unlike in the fair-share world, everybody- we're going to get some dues out of them no matter what. We now have to make sure that they understand the value that we bring. - *Jonathan*

Now, from what I've seen so far and from- I tend to have a constant outlook on things. I don't think it's going to be damaging. I think that particularly with the case within the education sphere, I can't speak broadly to everybody else, but I just feel like there is, at least, the collective bargaining space, the strong culture, the strong understanding of what the union movement has done for teachers and for education and for students. And there might be some falling off because there are always some people who disagree about something or who don't want to be a part, but I think for the most part, teachers are going to remain part of their unions, and our unions are actually going to get stronger as a result. - *Brenda*

### *Limitations*

Although I designed and conducted this research study to the extent of my available resources, it is worth noting some of its limitations. The composition and size of my interviewee sample is one. The population was entirely comprised of AFT union affiliates because of the personal contacts who began my snowball sample. (Although I requested interviews from several

NEA affiliates via email, I was unsuccessful in my attempts.) As a result, my findings may only represent an AFT viewpoint and not a comprehensive teachers' union perspective encompassing NEA, and I do not have the data to support or reject the possibility that the impact of *Janus* is differential between AFT and NEA.

Furthermore, the snowball-sample method by which I recruited the majority of my interviewees limits how representative my population is due to potential selection bias. Because at the conclusion of the interview, participants referred me to other presidents whom they knew, my pool of AFT presidents may be skewed towards those with certain predilections regarding leadership styles and future paths for their unions. Since I started my research with presidents whose unions had undergone significant internal changes due to *Janus* and have succeeded so far, it was not likely that any of my referrals would have been passive bystanders of the ruling, whose unions had experienced a dramatic loss in membership – if there were any. Additionally, a limitation that is related to composition is sample size. My sample of a dozen participants is small, considering that there are fifty states, and a larger pool would have mitigated the problems with the sample's composition.

One common limitation of interview-based studies is the degree to which participant responses are aligned with their actual views, and my study is not exempt. I cannot discern how much of the sentiment concerning the *Janus* decision derives from presidents' personal views in reflection of their experiences in their respective states, or was passed down from the national AFT branch. The leaders of AFT from the top-down may have wanted to ensure that all state and local affiliates voiced the same belief. If that is the case, then the severity of the limitations in my subject pool's composition and size are only heightened.

Finally, although my objective was to initiate the scholarly research into *Janus*'s impact on teachers' unions, the fact that the interview portion was conducted within six months of the ruling is a potential limitation in and of itself. I am only able to be definitive in my results with the constraint that they are applicable to a short time frame after the ruling. The overall impact of *Janus* will not be apparent for another several years, and thus, I argue that, *for the time being*, the ruling has not precipitated a dramatic loss in teachers' unions' membership, revenue, and power, in turn. As far as predicting its effects in the ensuing years, if AFT presidents are to be believed, then unions will come out stronger because of it.

#### *Future Directions*

Almost all of the limitations in my research can be addressed by future research into teachers' unions. At the two-year mark post-*Janus*, it would be useful to conduct interview- or survey-based studies targeting teachers' union presidents, asking similar questions to those in my study. With a larger sample size comprised of randomly selected participants who are representative of teachers' union presidents from different affiliates, the findings will more accurately portray the complete perspective of teachers' unions. Two years is a sufficient duration for the hyperactivity from the ruling to have settled, if applicable, into a new normal that allows for a more concrete evaluation of its impact.

In 3-5 years, quantitative data-based studies should analyze new-teacher cohorts and unions' annual dues collections in order to gauge how efficacious unions are at recruiting new hires and retaining existing members since the safety net of *Janus* has been removed for an extended period of time. These results will be more telling of whether or not *Janus* has decreased teachers' unions' capacities. In a similar manner, interview- or survey-based studies should investigate whether and how teachers' unions perspectives regarding the influence of *Janus* on

their political power has changed over the years. These studies could examine their current level of member engagement and activism in order to determine their success in moving beyond the sole services that unions provide and focusing more on organizing.

## VI. Conclusion

In the 2015-16 academic year, 69.9 percent of public-school teachers were in a union or employees' association.<sup>42</sup> After forty years of *Abood v. Detroit Board of Education*, *Janus v. AFSCME* will inevitably change the landscape of teachers' unions and their operations. It is important that we witness and take account of these changes so that forty years down the line, we will understand how this Supreme Court ruling influenced unions, the teachers that unions serve, the children that teachers serve, and American education at large. As a preliminary study on the early effects of the *Janus* decision, this capstone project sought to determine 1) the strategies that teachers' unions have implemented in response to the ruling and 2) their consequent impact on teacher unionization and power. This research was conducted through interviews with teachers' union presidents across the country, complemented by primary source analysis.

In the ten months since the ruling, there has indeed been a change in teacher unionization, and it is comprised of a reinvigorated effort to stay attune to *all* educators' wants and needs, not only those of dues-paying members. The multitude of short-term and long-term strategies that unions have adopted to ensure success in this post-*Janus* world predominantly rely on conversations and new methods of communication that foster a sense of strength that comes from belonging to a union. The effect of these strategies to date suggests that teachers' unions have

---

<sup>42</sup> U.S. Department of Education, National Center for Education Statistics, National Teacher and Principal Survey (NTPS), "Public School Data File," 2015–16. [https://nces.ed.gov/surveys/ntps/tables/Table\\_TeachersUnion.asp](https://nces.ed.gov/surveys/ntps/tables/Table_TeachersUnion.asp)

not yet experienced a weakening of power. Union leadership has effectively countered the potential drop in revenue and membership due to the *Janus* ruling by taking steps towards connecting to their members on a personal level and moreover, transitioning to a culture of organizing. The new landscape for teachers' unions involves a burgeoning sense of agency and ownership that contributes to a realization of power in numbers—more and more members are perceiving how they individually as well as collectively can shape their union and what their union can offer, in turn. Given how teachers' unions have faced *Janus v. AFSCME* thus far, I suspect that a long-term continuation of these efforts will lead to a permanent sustenance of membership and influence. As Thomas said, “We don't want that to be a moment in time. We want it to be a movement for a long time.”

## Bibliography

- Antonucci, Mike, "Union Report Exclusive: Internal Report Shows NEA Losses of 17,000 Members and 87,000 Fee Payers Since Janus Decision," *The 74* (2018).  
<https://www.the74million.org/article/union-report-exclusive-internal-report-shows-nea-losses-of-17000-members-and-87000-fee-payers-since-janus-decision/>
- Balingit, Moriah, "Workers Accuse Trump Administration, DeVos of Union-Busting," *Washington Post*, March 28, 2018.  
[https://www.washingtonpost.com/local/education/workers-accuse-trump-administration-devos-of-union-busting/2018/03/28/36e6f0a4-32bd-11e8-94fa-32d48460b955\\_story.html?utm\\_term=.719faa2fecce](https://www.washingtonpost.com/local/education/workers-accuse-trump-administration-devos-of-union-busting/2018/03/28/36e6f0a4-32bd-11e8-94fa-32d48460b955_story.html?utm_term=.719faa2fecce)
- Balingit, Moriah, and Danielle Douglas-Gabriel, "Congress Rejects Much of Betsy DeVos's Agenda in Spending Bill," *Washington Post*, March 24, 2018.  
[https://www.washingtonpost.com/news/education/wp/2018/03/21/congress-rejects-much-of-betsy-devoss-agenda-in-spending-bill/?utm\\_term=.896de4b81f99](https://www.washingtonpost.com/news/education/wp/2018/03/21/congress-rejects-much-of-betsy-devoss-agenda-in-spending-bill/?utm_term=.896de4b81f99)
- Cowen, Joshua, and Katharine O. Strunk, "How Do Teachers' Unions Influence Education Policy? What We Know and What We Need to Learn." The Education Policy Center at Michigan State University (April 2014).
- Duplantis, Malcolm M., Timothy D. Chandler, and Terry G. Geske. "The Growth and Impact of Teachers Unions in States Without Collective Bargaining Legislation." *Economics of Education Review* 14, no. 2 (June, 1995): 167-178. doi:10.1016/0272-7757(95)90396-p
- Eberts, Randall W., "Teachers Unions and Student Performance: Help or Hindrance?" *The Future of Children* 17, no. 1 (2007): 175-200. doi:10.1353/foc.2007.0001
- Emma, Caitlin, and Mel Leonor, "Teachers Unions Skirt Political Blow from Janus Ruling Ahead of Midterms," *POLITICO*, November 1, 2018.  
<https://www.politico.com/story/2018/11/01/teachers-unions-midterms-908081>
- Ford, Matt, "Hobbling Unions in the Name of Free Speech," *The New Republic*, February 26, 2018. <https://newrepublic.com/article/147204/hobbling-unions-name-free-speech>
- Goldstein, Dana, "Teachers in Oklahoma and Kentucky Walk Out: 'It Really is a Wildfire,'" *New York Times*, April 2, 2018. <https://www.nytimes.com/2018/04/02/us/teacher-strikes-oklahoma-kentucky.html>
- Green, Erica L., "Education Dept. Illegally Curbed Workers' Union Protections, Mediators Suggest," *New York Times*, July 24, 2018.  
<https://www.nytimes.com/2018/07/24/us/politics/labor-rules-education-department-betsy-devos.html>

- Hertel-Fernandez, Alexander, and Ethan Porter, "Bread and Butter or Bread and Roses? Experimental Evidence on Why Public Sector Employees Support Unions." *SSRN Electronic Journal* (2018). doi:10.2139/ssrn.3214662
- Hess, Frederick M., "Year of the Strike," *National Review*, October 29, 2018. <https://www.nationalreview.com/magazine/2018/10/29/year-of-the-strike/>
- Jamieson, Dave, "This Supreme Court Case Is The Biggest Threat to Organized Labor in Years," *The Huffington Post*, February 19, 2018. [https://www.huffpost.com/entry/janus-unions-supreme-court-case\\_n\\_5a873b4de4b00bc49f43decd](https://www.huffpost.com/entry/janus-unions-supreme-court-case_n_5a873b4de4b00bc49f43decd)
- Kamenetz, Anya, and Ari Shapiro, "Now It's North Carolina Teachers' Turn: How Did We Get Here? What's Next?" *National Public Radio*, May 15, 2018. <https://www.npr.org/sections/ed/2018/05/15/609734857/north-carolina-teachers-join-the-march-how-did-we-get-here-what-s-next>
- Kamenetz, Anya, and Cory Turner, "Is This Supreme Court Decision the End of Teachers Unions?" *National Public Radio*, June 27, 2018. <https://www.npr.org/sections/ed/2018/06/27/617893848/is-this-supreme-court-decision-the-end-of-teachers-unions>
- Licitra, Annette, "After Janus, We're in it to Win it." *American Federation of Teachers* (blog). June 27, 2018. <https://www.aft.org/news/after-janus-were-it-win-it>
- Loveless, Tom, ed. *Conflicting Missions?: Teachers Unions and Educational Reform*. Washington, D.C.: Brookings Institution Press, 2000. <http://www.jstor.org/stable/10.7864/j.ctv80cd0x>
- Lovenheim, Michael F. and Alexander Willén, "A Bad Bargain," *Education Next* 16, no. 1 (2016). <https://www.educationnext.org/bad-bargain-teacher-collective-bargaining-employment-earnings/>
- Marianno, Bradley D., and Katharine Strunk, "After Janus: A New Era of Teachers Union Activism," *Education Next* 18, no. 4 (2018). <https://www.educationnext.org/after-janus-new-era-teachers-union-activism-agency-fees/>
- Matsudaira, Jordan D. and Richard Patterson. "Teachers' unions and school performance: Evidence from California charter schools." *Economics of Education Review*, 61. (2017): 35-50. doi:10.1016/j.econedurev.2017.09.005
- Moe, Terry M. *Special Interest: Teachers Unions and America's Public Schools*. Washington, DC: Brookings Institution Press, 2011.
- Rice, Jennifer King. *Teacher quality: Understanding the effectiveness of teacher attributes*. Economic Policy Institute, 1660 L Street, NW, Suite 1200, Washington, DC 20035, 2003.

- "Right to Work States." National Right to Work Foundation. <https://www.nrtw.org/right-to-work-states>
- Rose, Heather, and Jon Sonstelie. "School Board Politics, School District Size, and the Bargaining Power of Teachers' Unions," *Journal of Urban Economics* 67, no. 3 (2010): 438-450. doi:10.1016/j.jue.2010.01.001
- Scheiber, Noam, "Trump Moves to Ease the Firing of Federal Workers," *New York Times*, May 25, 2018. <https://www.nytimes.com/2018/05/25/business/economy/trump-federal-workers.html?module=inline>
- Strunk, Katherine O. and Jason A. Grissom. "Do Strong Unions Shape District Policies?" *Educational Evaluation and Policy Analysis* 32, no. 3 (September 2010): 389-406. doi:10.3102/0162373710376665
- Underwood, Julie, "What Janus Means for Teachers Unions," *Phi Delta Kappan* 99, no. 8 (2018): 76-77. doi:10.1177/0031721718775687
- U.S. Department of Education, National Center for Education Statistics, National Teacher and Principal Survey (NTPS), "Public School Data File," 2015–16. [https://nces.ed.gov/surveys/ntps/tables/Table\\_TeachersUnion.asp](https://nces.ed.gov/surveys/ntps/tables/Table_TeachersUnion.asp)
- Will, Madeline, "The Largest Teachers' Union Predicts a 14 Percent Membership Loss Over Two Years." *Education Week* (blog). July 1, 2018. [http://blogs.edweek.org/edweek/teacherbeat/2018/07/nea\\_budget\\_cuts\\_after\\_supreme\\_court\\_ruling.html](http://blogs.edweek.org/edweek/teacherbeat/2018/07/nea_budget_cuts_after_supreme_court_ruling.html)
- Will, Madeline, "'This Road Just Got a Lot Harder': Teachers' Unions Hit With New Round of Lawsuits," *Education Week*, October 15, 2018. <https://www.edweek.org/ew/articles/2018/10/15/this-road-just-got-a-lot-harder.html>
- Winkler, Amber M., Janie Scull, and Dara Zeehandelaar. "How Strong are U.S. Teacher Unions? A State-by-State Comparison." October 29, 2012. <https://files.eric.ed.gov/fulltext/ED537563.pdf>
- Yan, Holly, and Carma Hassan, "From Coast to Coast, A New Wave of Teachers' Strikes Could Be Brewing," *CNN*, January 29, 2019. <https://www.cnn.com/2019/01/28/us/january-2019-teacher-strikes/index.html>