

# Teachers Unions and the Public Schools

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On the surface, it might seem that teachers unions would play a limited role in public education, fighting for better pay and working conditions for their members, but otherwise having little impact on the structure and performance of the public schools. Yet nothing could be further from the truth. The fact is, the teachers unions probably have more influence on the public schools than any other group in American society.

Their influence takes two forms. First, they shape the schools from the bottom up, through collective bargaining activities that are so broad in scope that virtually every aspect of the schools is somehow affected. Second, they shape the schools from the top down, through political activities that give them unrivaled influence over the laws and regulations imposed on public education by government. In combining bottom-up and top-down influence, and in combining them as potently as they do, teachers unions are unique among educational actors—and absolutely central to an understanding of America's public schools.

Despite their importance, the teachers unions have been poorly studied by education scholars. Indeed, in the hundreds of governmental and academic reports on school reform over the last few decades, many of them providing the intellectual basis for new legislation at both the state and national levels, the teachers unions

have almost always been completely ignored, as though they are simply irrelevant to an assessment of problems and solutions.<sup>1</sup>

This is a remarkable state of affairs. My purpose here is to provide a simple, informative overview of the pivotal roles that teachers unions actually play in public education, and to suggest why, if Americans want to understand and improve their public schools, the unions can no longer be overlooked.

### THE RISE OF TEACHERS UNIONS

Most of the nation's K–12 public school teachers belong to a union. Of those that do, almost all belong to a local affiliate of either the National Educational Association (NEA) or the American Federation of Teachers (AFT).<sup>2</sup>

The NEA is by far the bigger of the two. It was established in 1857 as a professional organization for public educators, and for the first hundred years of its life (and more) was controlled by superintendents and other administrators rather than by teachers, even though teachers made up most of its membership. By the mid-

1. For prominent examples, see National Commission on Excellence in Education, *A Nation at Risk* (Washington, D.C.: Government Printing Office, 1983); Twentieth Century Fund, *Making the Grade* (New York: The Fund, 1983); Carnegie Task Force on Teaching as a Profession, *A Nation Prepared* (Washington, D.C.: Carnegie Forum on Education and the Economy, 1986).

2. As I note later on, it is very difficult to get precise, reliable figures on union membership and collective bargaining for public school teachers. Perhaps the best measures are provided by the School and Staffing Survey (SASS), 1993–94, a national data set on public and private schools, school districts, and teachers collected by the National Center for Education Statistics within the federal Department of Education. According to the SASS, 80% of public school teachers nationwide belonged to a union in 1993–94, and this figure rises to 89% when we exclude the South (which is largely a right-to-work region). Evidence from other surveys suggests that union membership among public school teachers has not changed much since the 1980s, so these figures are probably fairly accurate for today's system as well. Precise breakdowns for the NEA and the AFT are not possible, largely because the AFT does not provide data on how many of its members are actually K–12 teachers (as many as half, apparently, are not: a fact the union would prefer to keep to itself). A good estimate, based on surveys, is that the NEA organizes perhaps four times as many teachers as the AFT, and that only a small percentage of organized teachers do not belong to one of these two unions.

1950s, the NEA had extended its reach to virtually all areas of the country, and could claim about half of all public school teachers as members (some of them joining because local school boards required them to). Throughout this entire hundred-year period, however, the NEA did not function as a union, and indeed was antiunion, reflecting the management interests of the administrators who controlled it.<sup>3</sup>

The AFT was a union from the beginning, and a socially radical one at that. Around the turn of the century, activist teachers formed their own unions in several big cities, and in 1916 four of these unions came together to form the national-level AFT, which then quickly affiliated with the American Federation of Labor as part of the mainstream labor movement. Over the decades, the AFT grew rather steadily as new cities were unionized and new members added, but by the early 1960s it had still only organized perhaps 5 percent of the nation's public school teachers, almost all of these clustered in large urban areas, notably Chicago, New York, and Atlanta.

The watershed event for the teachers union movement came in 1961, when the AFT won a representation election in New York City, giving it the right to represent that city's teachers in collective bargaining negotiations. This victory set off an aggressive AFT campaign to organize teachers in other cities, putting the NEA on notice that, if it didn't convert itself into a union and compete for teachers, the AFT was going to take hold of the entire constituency. Such a move was not easy for the NEA. With administrators at the helm and their interests incompatible with unionism, the organization was riven with conflict over the matter. Institutional imperatives soon won out, however, and the NEA took on the challenge of organizing teachers for collective bargaining.

Throughout the 1960s and into the 1970s, the NEA went head-

3. Basic historical material on the rise of the teachers unions and specifics on both the NEA and AFT can be gleaned from many sources. Here, I just give a brief summary account. See, e.g., Myron Lieberman, *The Teacher Unions* (New York: Free Press, 1997); Marjorie Murphy, *Blackboard Unions: The AFT and the NEA, 1900–1980* (Ithaca: Cornell University Press, 1990); and Maurice R. Berube, *Teacher Politics* (New York: Greenwood Press, 1988).

to-head with the AFT in disputed urban districts, where the two often fought on relatively equal terms. In the meantime, though, the NEA used its nationwide presence in the full range of districts—a presence the AFT did not have—to give it a huge advantage in representing teachers outside the major urban centers. Both organizations grew tremendously. But it was the NEA that emerged triumphant from their early competitive struggle, gaining control over the lion's share of teachers and school districts and maintaining its stature as the leading force in American public education. From this point on, however, its leadership would reflect the interests of a labor union, rather than those of an eclectic professional association.

During this twenty-year period, the American education system underwent a massive transition. Until the early 1960s, only a tiny percentage of teachers were unionized, and school boards and other democratic authorities made all the key decisions about schools. Aggressive organization by the NEA and the AFT, accompanied by waves of teacher strikes and labor unrest, brought thousands of school districts under union control. By the early 1980s, just twenty years or so after the AFT's initial victory in New York City, the transformation of the system was largely complete. The turbulence of institutional change had largely subsided, dramatic increases in union membership had started to level off, and a new equilibrium had taken hold in which (outside the South) unionization and collective bargaining had become the norm.

As of the year 2000, this new equilibrium still prevails and is quite stable, protected by union power. The NEA, which claimed a membership of 766,000 in 1961, now claims to have some 2.5 million members, about 2 million of whom are practicing K–12 teachers. It has affiliates in all fifty states, and is politically active and powerful throughout the country. The AFT has expanded (by its own count) from 70,821 members in 1961 to roughly 1 million members today. Only about half of these are teachers, but the organization's growth has obviously been considerable. As in the past, AFT strength is concentrated in a fairly small number of urban areas. Although it has affiliates in forty states, most of them are much smaller and less influential than the NEA affiliates. Only

in New York and Rhode Island is the AFT the dominant teachers union.<sup>4</sup>

These sorts of figures are helpful in giving us a sense of how unionization and collective bargaining have taken hold in American education, and how the two unions compare in size and strength. It is important to recognize, however, that precise data on the actual levels of union membership and the prevalence of collective bargaining are surprisingly difficult to come by. Even the simplest questions must often be answered through sketchy information that is patched together from various data sources. The Department of Education, the Bureau of Labor Statistics, the Census Bureau, and other standard sources of information have done a poor job of collecting data on matters related to teachers unions.

Those of us who want to understand developments in unionization and collective bargaining, then, must do the best we can with limited information. The basic developments are reasonably clear, but the details are difficult to document in a comprehensive, systematic way. This is something that will doubtless change in future years, as the teachers unions attract more attention and study.

#### TEACHERS UNIONS AND THE GROWTH OF PUBLIC SECTOR UNIONS

Any effort to gain historical perspective on the rise of the teachers unions must recognize that it was not an isolated development in the American labor movement. It was an integral part of a much broader phenomenon: the spectacular growth of public employee unions generally.

Several factors were responsible for this phenomenon, but one of the most important, it appears, is simply that the laws changed. Prior to the 1960s, states did not authorize public employees (including schoolteachers) to engage in collective bargaining, and sometimes prohibited them from doing so. In 1959, Wisconsin be-

4. See Lieberman, *The Teacher Unions*; *NEA Handbook* for 2000; and the AFT website at [www.aft.org](http://www.aft.org).

came the first state to enact a collective bargaining law for public sector workers, and over the next two decades most states followed suit, usually by adopting legal frameworks similar to the National Labor Relations Act, which had long structured labor-management relations in the private sector, and still does. These laws created rights, duties, and procedures that made it easier for unions to organize public workers, get government employers to bargain with them, and win contracts and concessions.<sup>5</sup>

The new laws were not solely responsible for union gains. The states that adopted public sector bargaining laws the earliest tended to be states in which the union movement as a whole was already politically powerful, and in which teachers and other public employees were already beginning to unionize with some success under the old laws. Still, the shift in legal framework gave their efforts a boost, and helped fuel a surge in public sector unionism.<sup>6</sup> By the early 1980s, the percentage of unionized workers in government had skyrocketed from trivial levels just two decades earlier to a robust 37 percent—where, as with teachers, it stabilized in what appears to be new equilibrium. In 1999, union density in the public sector remained at 37 percent.<sup>7</sup>

At the very time that unions were succeeding so dramatically in the public sector, they were stumbling badly in the private sector, in what was nothing short of an organizational catastrophe for the labor movement. The percentage of unionized workers in the private, nonagricultural workforce fell precipitously and continu-

5. For an overview of these developments in public sector unionism generally, see James L. Stern, "Unionism in the Public Sector," in Benjamin Aaron, Joyce M. Najita, and James L. Stern, eds., *Public Sector Bargaining*, 2nd edition (Washington, D.C.: Bureau of National Affairs, 1988).

6. See especially Gregory M. Saltzman, "Bargaining Laws as a Cause and Consequence of the Growth of Teacher Unionism," in David Lewin, Peter Feuille, Thomas A. Kochan, and John Thomas Delaney, eds., *Public Sector Labor Relations* (Lexington, Mass.: Lexington Books, 1977); and Gregory M. Saltzman, "Public Sector Bargaining Laws Really Matter: Evidence from Ohio and Illinois," in Richard B. Freeman and Casey Ichniowski, eds., *When Public Sector Workers Unionize* (Chicago: University of Chicago Press, 1988).

7. Figures are taken from Barry T. Hirsch and David A. Macpherson, *Union Membership and Earnings Data Book* (Washington, D.C.: Bureau of National Affairs, 2000).

ously across the decades, from a high of roughly one-third in the early 1950s to less than 10 percent in 1999.<sup>8</sup> Why did teachers unions and other public sector unions do so well, when private sector unions—which had long benefited from the same sorts of union-promoting legal frameworks—fared so poorly?

Experts disagree on the precise causes and their relative importance. It seems clear that, to some extent, specific changes in the economy and government are responsible. One change, of course, is that governments adopted new bargaining laws that stimulated public sector unionization. Another is that employment in the private sector shifted over time from manufacturing (highly unionized) to services (poorly unionized) and from the rust belt (highly unionized) to the sun belt (poorly unionized), which had the effect of draining members from private sector unions and making their organizational missions more difficult. Another is that public sector workers may have changed their perspectives and adopted a new militancy.<sup>9</sup>

Specifics aside, however, there are generic—and fundamental—differences across the two sectors that need to be appreciated, and that have surely had profound influences on the developments of the last few decades. The simple fact is that, even with common legal frameworks, the two sectors offer starkly different contexts for union activity.<sup>10</sup>

In the private sector, most employers know that they will lose business to competitors if their costs increase, and this prompts them to resist unionization. Similarly, unions cannot make costly

8. See Leo Troy and Neil Sheflin, *Union Sourcebook: Membership, Structure, Finance, Directory* (West Orange, N.J.: Industrial Relations Data and Information Services, 1985) for data on the early period, and Hirsch and Macpherson, *Union Membership and Earnings Data Book*, for data on the later period. The Troy and Sheflin figures are based on the entire private workforce, and not just the private nonagricultural workforce, but their percentages for comparable years are very close to those of Hirsch and Macpherson.

9. See, for example, Richard B. Freeman, “Why Are Unions Faring Poorly in NLRB Elections?,” in Thomas A. Kochan, ed., *Challenges and Choices Facing American Labor* (Cambridge: MIT Press, 1985), and John F. Burton, Jr., and Terry Thomason, “The Extent of Collective Bargaining in the Public Sector,” in Aaron, Najita, and Stern, *Public Sector Bargaining*.

10. See, e.g., Lieberman, *The Teacher Unions*.

demands without losing business and employment to nonunion firms, and this too limits their ability to organize and bargain. As a general matter, competition breeds trouble for unions; and over the last few decades, due especially to the explosion of technology and the globalization of economic activity, the private sector has become much more competitive than in the past. This presumably has a lot to do with why unions have been losing ground in the private economy.

The governmental environment is very different. Public agencies usually have no competition and are not threatened by loss of business if their costs go up, while workers and unions know they are not putting their agencies or jobs at risk by pressuring for all they can get. Governmental decisions on labor matters, moreover, are not driven by efficiency concerns, as they are in the private sector, but by political considerations, and thus by power and constituency. In jurisdictions where unions have achieved a measure of political power, therefore, many public officials—especially Democrats, given their longtime political alliances with unions—have incentives to promote collective bargaining and submit to union demands, even if they know full well the result will be higher costs and inefficiencies.

Government is not always a union-friendly environment, of course. Some public officials, especially Republicans, respond to antiunion constituencies and may exercise great power. And in some governmental settings, officials of both parties are forced to deal with hard budget constraints that (particularly in bad economic times) heighten their concern for costs, make them more resistant to unionization, and prompt them to pursue strategies (like the contracting-out of public services) that unions abhor. These counterforces, in fact, may explain why unionization in the public sector has reached an equilibrium at slightly more than a third of the public workforce, rather than shooting up to much higher levels.

Even in government, then, the unions have opponents, and costs do matter. But the bottom line is that, given the lack of competition, and given the dominance of politics over efficiency, unions simply find it much easier to organize and prosper in the modern

public sector than in the competitive, efficiency-conscious world of the private sector. It is no accident that the modern American labor movement has increasingly been driven (and kept afloat) by the resources, numbers, and leadership of the public sector unions—and that the largest, most powerful union in the country is not the Teamsters or the United Auto Workers, but the National Education Association.

### COLLECTIVE BARGAINING

Now let's take a closer look at the teachers unions, and at the fundamentals that explain their nature and success as organizations. As is true for all unions, collective bargaining is their core function, and their base of economic and political power. It is through collective bargaining that they attract and hold their members, get most of their resources (which come mainly from dues), wrest benefits and control from “management” (school boards)—and have the capacity, both organizational and financial, to take effective political action.

Collective bargaining is now the norm in American education as a whole, but it is not established in every district, and its incidence varies by region. As of 1994 (a year for which we have good data), almost all districts in the Northeast—98 percent—had collective bargaining. The comparable figures were 74 percent in the Midwest, 68 percent in the West, and just 12 percent in the South.<sup>11</sup> This variation across regions goes hand-in-hand with differences in state collective bargaining laws, which, as I suggested earlier, have played important causal roles in determining whether public sector unions will take root and prosper.

The vast majority of states, and all the states in the Northeast, have passed public sector bargaining laws that facilitate teacher union organization and collective bargaining. Seventeen states, however, have not passed such laws. Of this group, ten—Alabama, Arkansas, Colorado, Kentucky, Louisiana, Missouri, New Mexico, Utah, West Virginia, and Wyoming—allow collective bargain-

11. These figures are derived from the SASS data set for 1993–94.

ing to occur if the local school boards agree to it. The other seven—Arizona, Georgia, Mississippi, North Carolina, South Carolina, Texas, and Virginia—not only have no public sector bargaining statute for teachers, but make collective bargaining by teachers illegal.<sup>12</sup> The pattern is obvious and fits nicely with the regional figures on collective bargaining. Teachers unions face the least favorable legal environments in the South and in a few border and western states, and these are the places where they have had a hard time making progress. In the rest of the country, the laws work to their advantage, and collective bargaining by teachers has become firmly established.<sup>13</sup>

In districts with collective bargaining, the standard arrangement (called “exclusive representation”) is that one union represents all the teachers in the district, including those who are not members of the union. Teachers cannot be legally required to join. But in four states—New York, Minnesota, Hawaii, and California—nonmembers are required to pay “agency fees” to the union if they prefer not to join. And in another fifteen states, almost all of them in the Northeast and Midwest, unions are allowed to negotiate for agency fees at the local level.<sup>14</sup> The rationale for these fees, as union supporters see it, is that nonmembers are represented by the union and benefiting from the contract and they should pay their “fair share.” The upshot, however, is that agency fees are almost always set at a level very close to member dues, giving nonmembers strong incentives to go ahead and join the union anyway. When agency fee arrangements are in place, then, the unions gain additional revenues that may be substantial, and virtually all teachers tend to join.

12. Lieberman, *The Teacher Unions*.

13. It is worth reiterating that a state’s laws are also a reflection of its political environment more generally—its conservative or liberal tilt, the relative power of business and labor, etc.—and these factors may have independent effects on how successfully unions are able to organize workers and bargain collectively. The South is different from the rest of the country not simply because it has right-to-work laws, but because its political environment is more conservative and more favorable to business than that of other regions.

14. Lieberman, *The Teacher Unions*. California has long been in the latter category, but new legislation passed in 2000 makes agency fees mandatory starting in 2001.

Unions bargain with school boards, which play the role of management. But school boards, like public managers generally, cannot be expected to behave like the managers of private firms in resisting union demands. The logic is just as I outlined in the previous section. In the first place, school boards face little or no competition and needn't worry that they will lose "business" by agreeing to union demands that raise costs, promote inefficiencies, or lower school performance. The kids and the tax money will still be there. In the second place, school boards are composed of elected officials, whose incentives are explicitly political and less tied to efficiency and costs than those of private managers. Moreover, the unions, by participating in local elections (see below), are thus in a position to determine who the "management" will be, and to give "management" incentives to bargain sympathetically. This is a stunning advantage that, for private sector unions, would be a dream come true.

What aspects of the public schools—what subjects of collective bargaining—are open to union influence? In principle, the answer depends on state laws, which define some subjects as mandatory (meaning school boards must bargain over them), some as permissive (meaning the two sides can bargain over them if they want), and some as illegal (meaning they can't bargain over them at all). In practice, however, unions have been successful, both through legal argument and through pressure on the districts, at pulling almost all aspects of schooling into the collective bargaining process—even those, like curriculum, that were once thought to be "policy" issues beyond the scope of bargaining.<sup>15</sup>

Union influence usually takes the form of rules, which are em-

15. The discussion that follows includes an overview of basic features of collective bargaining within public education and the kinds of rules and contracts that result. For more detail, see, e.g., Lieberman, *The Teacher Unions*; Lorraine M. McDonnell and Anthony Pascal, "Organized Teachers in American Schools" (Santa Monica: Rand Corp., 1979); McDonnell and Pascal, "Teacher Unions and Educational Reform" (Santa Monica: Rand Corp., 1988); Charles Taylor Kerchner and Julia E. Koppich, *A Union of Professionals: Labor Relations and Educational Reform* (New York: Teachers College Press, 1993); Randall W. Eberts and Joe A. Stone, *Unions and Public Schools: The Effect of Collective Bargaining on American Education* (Lexington, Mass.: Lexington Books, 1984).

bedded in the collective bargaining contract and specify, often in excruciating detail, what must or must not be done. In a typical union contract, there are so many rules about so many subjects, and the rules themselves can be so complicated, that it may take more than a hundred pages to spell them all out. (In many urban districts, where the teachers unions are strongest, contracts may run to two or three hundred pages or longer.)

There are rules, of course, about pay and fringe benefits. But there are also rules about hiring, firing, layoffs, and promotion. Rules about how teachers are to be evaluated, and how the evaluations can be used. Rules about the assignment of teachers to classrooms, and their (non)assignment to yard duty, lunch duty, hall duty, and after-school activities. Rules about how much time teachers can be required to work, and how much time they must get to prepare for class. Rules about class schedules. Rules about how students are to be disciplined. Rules about homework. Rules about class size. Rules about the numbers and uses of teacher aides. Rules about the school calendar. Rules about the role of teachers in school policy decisions. Rules about how grievances are to be handled. Rules about staff development and time off for professional meetings. Rules about who has to join the union. Rules about whether their dues will be automatically deducted from their paychecks. Rules about union use of school facilities. And more.

Union demands on these scores are not random or frivolous. There is a logic to them. The unions have certain fundamental interests that motivate their behavior and determine the kinds of rules they find desirable and worth fighting for. These interests arise from the primordial fact that, in order to survive and prosper as organizations, the unions need to attract members and money. Most of what they do can be understood in terms of these simple goals—which entail, among other things, securing benefits and protections for their members, increasing the demand for teachers, supporting higher taxes, regularizing the flow of resources into union coffers, minimizing competition, and seeking political power.<sup>16</sup>

16. See especially Lieberman, *The Teacher Unions*.

Note that these interests, and the sorts of behaviors they ultimately require of unions, need have nothing to do with what is best for children, schools, or the public interest, and may sometimes come into conflict with them. For this reason, collective bargaining often leads to contracts that make little sense as blueprints for effective organization. They make perfect sense, however, as expressions of union interests.<sup>17</sup>

Here, by way of illustration, are some of the common themes that govern the unions' approach to particular issues and give form and substance to the typical contract:

1. Unions are dedicated to protecting the jobs of all their members. The rules they insist upon, as a result, make it virtually impossible for schools to get rid of even the most poorly performing teachers, not to mention those that are merely mediocre.
2. Unions don't want basic personnel decisions—about pay, promotions, transfers—made on the basis of teacher performance. They oppose merit pay, for example. More fundamentally, they resist efforts to even measure teacher performance—through tests of teacher competence, for instance, or through assessments of classroom effectiveness (including how much students are learning). In the eyes of unions, performance evaluations create uncertainty for their members, force members to compete with one another, and put too much discretion in the hands of principals. The unions want personnel decisions to be made on the basis of seniority, formal education, and other objective criteria that are not matters of discretion, are within reach of all teachers, and are unrelated to performance in the classroom.
3. Unions seek to create, expand, and guarantee teacher rights by severely restricting the discretion available to principals and other administrators. For principals and district officials, discretion means the ability to lead and manage. But for unions, it means that administrators are able to make

17. For the basic facts on all these counts, see the works referred to in note 15.

decisions about where, when, and how teachers will do their work and how their incentives will be structured—and this flies in the face of everything the unions are trying to achieve. Discretion is to be driven out, replaced by rules that define realms of teacher control and autonomy.

4. Unions tend to oppose anything that induces competition or differentiation among teachers. This applies to performance-based assessments, of course. But it also applies to many other policies. They are opposed, for example, to differential pay in response to market conditions—which might mean paying math and science teachers a premium in order to attract and hold them. Unions want teachers to have the same interests, because this encourages them to act with solidarity on union issues. The notion that some teachers are better than others, or worth more than others, is stridently resisted.
5. Unions tend to oppose anything that induces competition among schools. Most fundamentally, they try to ensure that all schools in a district are uniformly covered by the same collective bargaining agreement, because the schools not covered (and thus free of the costs and rigidities it imposes) would have an advantage. This is especially true if the non-covered schools were allowed to be different in other ways too, and if parents were free to choose where to send their kids, for then the noncovered schools might attract kids, jobs, and resources away from the union schools. The union ideal is that all schools be regulated the same, and that all be guaranteed their “fair share” of students and resources.
6. Unions tend to oppose any contracting-out of educational functions that involves a shift of jobs and resources from the public to the private sector. This is true even if privatization may provide services at lower cost or more effectively. The goal is to keep public employment and public budgets as high as possible.
7. Unions want contract provisions that, so far as legally possible, induce all teachers to become members and force any nonmembers to pay agency fees. They also want dues and fees automatically deducted from teacher paychecks; this

guarantees the unions a regular flow of money and allows them to shift the administrative costs onto the districts.

The unions put the best public face on the positions they take in collective bargaining, arguing that what is good for teachers is good for kids, and that they are just fighting for quality public schools. Some scholars portray the unions as a positive force as well, arguing, among other things, that union-imposed standardization actually works well for the average student, and that unions promote professionalization, expertise, and productivity.<sup>18</sup>

Whatever the validity of these arguments—and I would argue that they are questionable, at best—it is pretty obvious that many aspects of union influence (not all) have negative consequences for kids and schools. How can it be socially beneficial that schools can't get rid of bad teachers? Or that teachers can't be tested for competence? Or that teachers can't be evaluated on the basis of how much their students learn? Or that principals are so heavily constrained that they can't exercise leadership of their own schools?

It is also clear that the aggregate effect of all the union-generated rules adds tremendously to the bureaucratization of the public schools. The unions are thus responsible for making the system much more formal, complex, and impersonal than it would otherwise be—and these are characteristics that tend to undermine school performance. Schools tend to do best when they are able to function in an informal, cooperative, flexible, and nurturing way: which is precisely the opposite of bureaucracy.<sup>19</sup>

Little research specifically links teachers unions to school per-

18. See, e.g., Randall W. Eberts and Joe A. Stone, "Teachers Unions and the Productivity of Public Schools," *Industrial and Labor Relations Review* 40, 1986: 355–63; and Charles Taylor Kerchner, Julia E. Koppich, and Joseph G. Weeres, *United Mind Workers: Unions and Teaching in the Knowledge Society* (San Francisco: Jossey-Bass).

19. See, e.g., Anthony Bryk, Valerie E. Lee, and Peter B. Holland, *Catholic Schools for the Common Good* (Cambridge: Harvard University Press, 1993), and Michael A. Zigarelli, "An Empirical Test of Conclusions from Effective Schools Research," *Journal of Educational Research*, Vol. 90, no. 2 (November/December, 1996): 103–110.

formance, so it is impossible to make an ironclad, empirically documented case about the direction of union effects. The few existing studies have led to mixed results, some showing negative effects and some showing positive effects.<sup>20</sup> But much of this is probably spurious, arising because the data are very poor and hard to get, and because the methodological difficulties in carrying out the analysis are formidable (mainly due to problems of mutual causality). The only confident conclusion that can be drawn from these studies is that unions clearly increase the costs of education, apparently by an average of 8 to 15 percent—and without (so far as can be determined) a correspondingly large increase, or any increase at all, in school quality. This tends to support the argument that, for a given level of expenditure, unions make the production of quality education more difficult. Future research will tell us more.

#### LOCAL POLITICS

Collective bargaining is the bread-and-butter activity of teachers unions, and the foundation of their survival and prosperity as organizations. It is not, however, the sum total of what unions do, nor does it fully explain why the unions are such important influences on our nation's schools. The key to the unions' preeminence in American education is that they are able to *combine* collective bargaining and politics into an integrated strategy for promoting union objectives.

Teachers unions are active in politics at all levels: local, state, and national. Not surprisingly, a division of labor prevails within both the NEA and the AFT. The local affiliates are almost entirely responsible for influencing policy and elections at the local level,

20. These studies are reviewed in Joe A. Stone, "Collective Bargaining and Public Schools," in Tom Loveless, ed., *Conflicting Missions: Teachers Unions and Educational Reform* (Washington, D.C.: Brookings Institution, 2000). Among them are Eberts and Stone, "Teachers Unions and the Productivity of Public Schools"; Eberts and Stone, *Unions and Public Schools*; Caroline Minter Hoxby, "How Teachers Unions Affect Education Production," *Quarterly Journal of Economics*, 111, 1996: 671–718; Sam Peltzman, "The Political Economy of the Decline of American Public Education," *Journal of Law and Economics* 36, 1993: 331–70.

the state affiliates are responsible for these things at the state level, and the national organizations take charge at the national level.

At the heart of local politics is the astounding fact that teachers unions are in a position to determine who sits on local school boards, and thus who they will be bargaining with. Assuming they can wield enough political power, they can actually choose the “management” teams that make decisions on behalf of the districts. Needless to say, they have strong incentives to mobilize their members and resources for political purposes, to participate actively in electoral campaigns, and to identify and recruit sympathetic candidates. These incentives are all the stronger, given that districts (and sometimes their electorates, through direct votes) make decisions on a wide range of policy, taxing, and funding issues of great relevance to union interests.

The details of local politics can vary considerably across districts, as a reflection of their individual histories, demographics, and problems. But there are certain characteristics that are common to most of them, that structure their politics—and that give the teachers unions great advantages in the struggle for influence:<sup>21</sup>

1. School board elections tend to occur in off years or times, and as a result tend to attract low turnout, often in the range of 10 to 20 percent.<sup>22</sup> Any group capable of mobilizing even small numbers of voters can tip the balance and influence the outcome. The unions are clearly in a good position to do this.
2. These elections are typically nonpartisan, meaning that candidates run as individuals and are not identified by party affiliation. Voters are thus denied the crucial information

21. For discussions of the basic features of education politics at the local level, see Frederick M. Wirt and Michael W. Kirst, *The Political Dynamics of American Education* (Berkeley, Calif.: McCutchan, 1997). For discussion of union resources and political strategies, see Lieberman, *The Teacher Unions*.

22. Here is a sobering example. In the school board election held in Los Angeles in April of 1999, there was actually a high profile battle—a rarity—between the unions and a coalition led by Mayor Riordan. Even so, turnout was just 17 percent of the registered voters, and a still smaller percentage of all possible voters. (Data were obtained directly from Los Angeles County records.)

that party normally conveys—about ideology, issue positions, and the like—and guarantees that, in a context of low information and low interest (which is characteristic of school board elections), the teachers unions will be in a better position to control how candidates are perceived and to get their own candidates elected. In general, nonpartisanship creates an informational void that works to the advantage of powerful groups that can fill it.

3. Local politics is not very pluralistic. Typically, the teachers unions have a far greater stake in these elections than any other groups in their communities, and they have stronger incentives to invest in political action. They overshadow business and civic groups in this respect. They also overshadow parents, who are not organized as an interest group (outside the PTA, which has long been under union control in politics) and who vote in low numbers. In short: the unions have few serious competitors for power.
4. Teachers unions are flush with political resources. They have money for campaign contributions. But even more important, they control an army of political workers (teachers) who are educated, well informed, have a direct stake in the issues, and can readily be organized for political action: to vote, make phone calls, ring door bells, distribute literature, serve as campaign staff, and so on. No other community group can come close to matching them in manpower and political organization.
5. Most candidates running for school board are running on a shoestring. This being so, candidates endorsed by the unions and boosted by their money, manpower, and organization cannot help but have advantages over their opponents.

The teachers unions can't always have what they want, of course. In some districts, especially in the South, unions are weak or nonexistent. And even where unions are strong, there may sometimes be other groups—the religious right or business or mayor-led reformists—that are also strong and take the unions on. In addition, there may be salient issues, particularly bond issues or

property tax issues, that hit people's pocketbooks and generate higher levels of community participation, making union control more difficult. And in some communities, notably those that are socially advantaged, relatively high participation in local politics may be the norm, and the unions may find it harder to exercise power overall. So union influence will not be constant. It will vary as these sorts of conditions vary.

There is little systematic research on this, and much more needs to be done before we can be confident about exactly what the unions are doing in local politics and with what effects. What evidence there is, however, augmented by information regularly reported in the media, makes it clear that unions do tend to be formidable powers in local politics and often (but not always) get their way. The upshot is that, when school boards make official decisions about policy or money, or about the myriad rules that govern the operation of schools, their decisions tend to give heavy weight to the interests of unions—and may often depart, as a result, from what is best for children and effective education.

#### STATE AND NATIONAL POLITICS

By law and tradition, the prime authorities in the field of public education are the state governments. The school districts are creatures of the states, and virtually everything about them—their boundaries, their governmental structures, their funding mechanisms, their policies, their very existence as political units—is subject to state authority. From the late 1800s until the mid-1900s, the states chose to delegate a good deal of this authority to the districts, and most aspects of public education were locally controlled. But this has changed over the last half-century, as the states have asserted their authority over educational policy, and as pressures for funding equalization (and court decisions requiring it) have produced shifts away from local property taxes toward more centralized mechanisms of educational finance. During this same period, the national government has become increasingly active in educational policy and funding, mainly through redistributive programs that funnel billions of dollars through the states and

down to the schools. Federal money now represents about 8 percent of total school funding.<sup>23</sup>

Although the power of the teachers unions is rooted in their local districts, then, they have good reason to look beyond the districts when it comes to bringing their power to bear in politics. Increasingly, the big decisions on the big educational issues are being taken by state and (to a lesser extent) national governments, and many of these decisions have a direct bearing on the fundamental interests of unions. Active involvement in state and national politics is more than an attractive option for them. It is a necessity and, next to organizing and collective bargaining, their top priority.

The great value of higher-level politics is underlined by two major advantages that victory in these realms can convey. The first is that state governments, especially, are in a position to adopt virtually *any* restrictions, requirements, programs, and funding arrangements they want for the public schools. Whatever policies they adopt, moreover, are typically applied to *all* the districts and schools in their jurisdictions. When unions employ their political power at these higher levels, then, they can achieve many objectives they might be unable to achieve through local collective bargaining—from bigger education budgets to smaller classes to stricter credentialing requirements—and they can automatically achieve them for entire populations of districts and schools. One political victory can often accomplish what hundreds of decentralized negotiations cannot.

The second is that government policies at these higher levels can be designed to provide a favorable *structure* for local collective bargaining, and thus to create a context in which it is easier for unions to organize teachers, gain bargaining rights, and win concessions in negotiations. In most states, the unions long ago were able to mobilize sufficient power to achieve statewide bargaining frameworks. But the battles continue. They seek bargaining laws in the remaining states that don't have them, and they are con-

23. See John E. Chubb, "The System," this volume. See also Wirt and Kirst, *The Political Dynamics of American Education*.

stantly pushing to upgrade the frameworks in the states that do—e.g., by getting agency fee requirements, or by expanding the scope of bargaining. Moreover, they would dearly love to see the national government adopt a single bargaining framework that would apply uniformly to every state in the country.<sup>24</sup> In general, the more power they can wield in state and national politics, the better able they are to promote their own collective bargaining activities at the local level and to solidify and strengthen their organizational foundations.

Over the last few decades, the NEA and AFT have acted aggressively on these incentives, and they have emerged as extraordinarily powerful players in both state and national politics. A recent academic study of interest-group politics at the state level, for instance, asked experts to rank interest groups according to their influence on public policy—and the teachers unions came out *number one* on the list, outdistancing general business organizations, the trial lawyers, doctors, insurance companies, utilities, bankers, environmentalists, and even the state AFL-CIO affiliates. Their influence was regarded as high, moreover, in virtually every single state outside the South: a measure of the remarkable breadth and uniformity of their political power.<sup>25</sup>

Part of the reason for their political success is that they spend tremendous amounts of money on political campaigns and lobbying. When compared to other interest groups, they regularly rank among the top spenders at both the state and national levels, and in many states are ranked number one. Probably the key to their political firepower, however, is that they literally have millions of members, and these members are a looming presence in *every* electoral district in the country. Candidates for major office are keenly aware that the unions invest heavily in mobilizing their local activists, that they do so with great effectiveness, and that they have

24. On union efforts to secure more favorable bargaining laws, see., e.g., Lieberman, *The Teacher Unions*.

25. Clive S. Thomas and Ronald J. Hrebнар, “Interest Groups in the States,” in Virginia Gray and Herbert Jacob, eds., *Politics in the American States*, 6th ed. (Washington, D.C.: Congressional Quarterly Press, 1996).

considerable clout in seeing to it that their friends are elected and their enemies defeated.

Almost all of this firepower is employed to the benefit of Democrats, whose constituencies already incline them (usually) to favor policies that the teachers unions want—more public spending, higher taxes, higher public employment, more regulations, more job protections, more restrictions on competition, more collective bargaining—and who, with union backing and pressure, can be counted on to support many of the unions' specific demands on education policy and reform. Their alliance with the Democrats is perhaps best illustrated by where their money goes. In 1998, for example, the NEA was one of the nation's top contributors to congressional campaigns, and 95 percent of its money went to Democrats. The AFT, also a top contributor, gave 98 percent of its money to Democrats. Both unions also gave money to the parties directly (called "soft money"), rather than to candidates. Of these contributions, the NEA gave 98 percent to the Democrats, the AFT 100 percent.<sup>26</sup>

The most visible indicator of their alliance with the Democrats comes every four years, during the national presidential campaigns. Since 1976, when the NEA first became seriously active in presidential politics, the teachers unions have mobilized their activists to participate in the Democratic nomination process, and they have essentially colonized the Democratic national conventions. Although estimates vary, it appears the two unions together have regularly accounted for more than 10 percent of the total convention delegates, far more than any other special interest group.<sup>27</sup> Their leaders, meantime, have played central roles in shaping the Democratic presidential agenda on education. The stage was set the first year out, in 1976, when the NEA got Jimmy Carter to commit to its top political priority: the creation of a national department of education. In the years since, Democratic

26. These figures are derived from Federal Election Commission filings, and can be found on the internet through FECInfo, which is located at [www.tray.com](http://www.tray.com).

27. See, e.g., Lieberman, *The Teacher Unions*; Murphy, *Blackboard Unions*; Taylor E. Dark, *The Unions and the Democrats* (Ithaca: Cornell University Press, 1999).

nominees—and Democratic presidents—have never strayed far from what the teachers unions find desirable or acceptable.<sup>28</sup>

The teachers unions are prime movers in the Democratic Party, but they are also key players in the liberal coalition more generally. The members of this coalition—civil rights groups, antipoverty groups, women's groups, environmentalists, peace groups, gay-rights groups, and pro-abortion groups, among others—tend to support Democrats and make up much of the organized support base for the party. But the coalition also transcends the party. All these liberal interest groups are independent actors with specialized interests of their own, and the great benefit of a coalition is that they can work together—by supporting one another's causes—in order to maximize their influence and see that their own, individual objectives are separately achieved. The teachers unions, as leading members of this coalition, are beneficiaries of the support these other groups can give for union causes. By reciprocity, though, the unions are also engaged in political campaigns to achieve a whole array of liberal policy objectives that have nothing to do with teachers, collective bargaining, or even the public schools.

Here is just a smattering of the political causes the teachers unions have taken positions on in recent years. The NEA has adopted resolutions on universal health care, statehood for Washington, D.C., nuclear testing, abortion, environmental regulation, Native American remains, women's rights, minority-owned businesses, and mail-order brides. The AFT has taken stands on the war in Kosovo, peace in Northern Ireland, democracy in Burma, child labor in foreign nations, and fast-track procedures on international trade.<sup>29</sup>

The requirements of coalitional politics are not the only reasons teachers unions pursue these sorts of noneducational objectives.

28. See, e.g., Beryl A. Radin and Willis D. Hawley, *The Politics of Federal Reorganization: Creating the U.S. Department of Education* (New York: Pergamon Books, 1988).

29. Formal resolutions adopted by the NEA and the AFT at their annual conventions are summarized on each union's web site. See [www.nea.org](http://www.nea.org) and [www.aft.org](http://www.aft.org), respectively.

The fact is, the activists and leaders within the teachers unions tend to be personally quite liberal, and, as they promote the broader liberal agenda, they are supporting policies that they are enthusiastic about anyway. If there is a disconnect between what the unions do in politics and what union members want, it emerges from the great mass of teachers who are not activists. The NEA's own polls have shown that most of its rank-and-file members are not Democrats and that most of them do not classify themselves as liberals. It appears that the liberal politics of the NEA simply does not represent their views.<sup>30</sup>

How do the teachers unions, as ostensibly democratic organizations, manage to carry this off? The answer comes in two parts. First, union democracy is a pale reflection of the ideal. Most members are poorly informed, don't participate in union decision-making, and leave control to (liberal) activists and leaders.<sup>31</sup> Second, rank-and-file members are tied into their unions for economic reasons, or simply because state laws or bargaining contracts effectively require them to join, and they will continue to belong and pay dues even if they are discontented with the liberal thrust of union politics.<sup>32</sup> These two democratic weaknesses—the weakness of “voice” via the lack of member influence, and the weakness of “exit” via the inability of members to quit on political grounds—essentially free the leadership to go its own way without fear of losing members or resources.<sup>33</sup>

The teachers unions can be active participants in the liberal coalition, then, and an outlet for the liberalism of its leaders and activists, without paying a price for failing to represent their mem-

30. See National Education Association, *The NEA Teacher Member, 1995–96* (Washington, D.C.: NEA). For supporting evidence, see also Emily C. Feistritzer, *Profile of Teachers in the US* (Washington, D.C.: National Center for Education Information, 1996).

31. See Lieberman, *The Teacher Unions*.

32. The theoretical basis for this phenomenon is developed in Mancur Olson's classic book, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1965). See also Terry M. Moe, *The Organization of Interests* (Chicago: University of Chicago Press, 1980).

33. On the roles of exit and voice in making organizations responsive to their clienteles, see A. O. Hirschman, *Exit, Voice, and Loyalty* (Cambridge: Harvard University Press, 1970).

bers. This is one of the keys to understanding their politics, and their involvement in issues that have nothing to do with education. It would be a mistake, however, to think that pursuit of these extraneous issues as at the heart of their political agenda. In terms of money, activity, and the sheer exercise of power, it isn't. The teachers unions are driven by their fundamental interests—which are not rooted in the principles of liberal ideology, but rather in collective bargaining, the structure of public education, and the public taxing and spending that support it. These are the issues that animate their most serious political involvement.

In the electoral process, as we've seen, the teachers unions pursue their interests by investing heavily in the election of sympathetic candidates to public office. But the real goal, of course, is to gain influence over public policy, and thus to make sure that they get the laws, programs, regulations, and funding arrangements they want—and prevent the adoption of those they don't want. They go about this in various ways.

Most obviously, they are aggressive, omnipresent lobbyists in Congress and state legislatures. This is often true even in right-to-work states. They monitor and try to put their stamp on all relevant pieces of legislation, propose their own bills, carry out background research on the issues, attend committee hearings, keep scorecards on legislators—and bring their formidable power to bear in seeing to it that legislators vote their way. On education issues, the teachers unions are the 500-pound gorillas of legislative politics, and, especially in legislatures where the Democrats are in control, they are in a better position than any other interest group to get what they want from government.<sup>34</sup>

On occasion, they also attempt to put new laws in place through the initiative process, by designing their own bills and putting

34. There is very little serious research on how the teachers unions go about wielding their political influence, although accounts can be read with great frequency in the media, and particularly in *Education Week*, which tracks developments in American education. For critical but informative attempts to describe how the teachers unions transact their political business, see, e.g., Lieberman, *The Teachers Unions*; G. Gregory Moo, *Power Grab* (Washington, D.C.: Regnery Publishing, 1999); and Berube, *Teacher Politics*.

them on the ballot for a direct popular vote. Here, they can use their financial resources to bankroll the necessary signature gathering and to pay for the general campaign, and they can unleash an army of volunteers to do the legwork so crucial to electoral success. No other organizations are so well suited to initiative campaigns, and the unions have used them to their advantage when legislatures have failed to give them what they want. A good example is California's Proposition 98, which was heavily and successfully promoted by the California Teachers Association in 1989, and since then has required the state to spend at least 40 percent of its annual budget on the public schools.<sup>35</sup>

The teachers unions also pursue their interests with great success through active involvement in administrative arenas—which, to the uninitiated, may seem to be nonpolitical, but are actually realms in which important policy decisions are made and influenced. The national and state departments of education, in particular, administer countless educational programs, distribute billions of dollars, and have a great deal of discretion in deciding what the rules and goals of educational policy will be and exactly how the money will be spent. Within these departments, the unions are regular, quasi-official participants. Administrators regard them as key “stakeholders” who have legitimate, ongoing roles to play in shaping public decisions. The opportunities for union influence are everywhere, and virtually unobservable to outsiders unfamiliar with the byzantine world of government bureaucracy.

Often, the unions pursue their policy objectives by combining their legislative and administrative power. An important example can be found in their recent drive for teacher “professionalism,” which is bound up (through no coincidence) with the larger national concern for higher standards in public education. In the abstract, these are goals with obvious political appeal. Who could be

35. There is no systematic research on this, although there are plenty of media accounts. For a detailed look at how the unions used their clout in initiative politics to soundly defeat the 1993 California voucher initiative, see Terry M. Moe, *Schools, Vouchers, and the American Public* (Washington, D.C.: Brookings Institution, 2001).

against professionalism and higher standards? The reality, however, is that the teachers unions are active on these issues because their fundamental interests are at stake. Through professional self-regulation, they are able to control entry into their field, and thus to limit supply and put upward pressure on salaries. This is a classic political strategy that other occupations—from doctors and lawyers to cosmetologists and plumbers—have long employed with great success. The teachers unions just want to do the same.<sup>36</sup>

Specifically, the unions want stricter licensing and credentialing requirements for teachers, and they want the process overseen and enforced by state administrative boards that are controlled by teachers—and thus, in practice, by the unions themselves. They also want teachers to get a national certification, presumably as a way of promoting uniformly high standards; and this certification process is controlled by the National Board for Professional Teaching Standards, which in turn is controlled by the unions. In addition, they argue that teachers should get their training at education schools that are accredited by the National Council for Accreditation of Teacher Education, in which the unions have heavy influence. Major progress along these lines calls for new legislation, and the unions are currently active in state legislatures across the country trying to create the new requirements. To the extent they are successful, the key decisions—and the key union involvement—will take place in administrative bodies far from the public eye, where the unions can exercise influence on a routine basis.<sup>37</sup>

When it comes to the pursuit of new public policies, the unions are the most powerful of all education groups. But they cannot always, or even usually, get the policies they want. Nor can anyone else. The reason is that the American political system is built around checks and balances. New legislation must run a gauntlet of subcommittees, committees, and floor votes in each of two legislative houses, and survive filibusters, holds, and executive vetoes. Proponents must overcome each and every veto point in order to

36. See Dale Ballou and Michael Podgursky, “Gaining Control of Professional Licensing and Advancement,” in Tom Loveless, ed., *Conflicting Missions*.

37. Ballou and Podgursky, “Gaining Control . . . .”

get their ideas into law, while opponents need to succeed only once, at any veto point along the way, in order to block. The system is built to make new legislation very difficult to achieve—and to make blocking very easy.

Much of what the teachers unions do in politics, accordingly, is not about trying to put new policies in place. It is about blocking policies to which they are opposed. And it is here that they are especially well positioned to get their way. In particular, they are usually powerful enough to stop the enactment of reforms that they consider a threat to their interests, and thus to protect a status quo—the existing system of collective bargaining, extensive regulation, and top-down governance—that works to their great advantage. In a time of educational ferment, in which there is widespread pressure for change and improvement in the public education system, *this* is the way the teachers unions put their power to most effective use. They use it to prevent change.

The best illustration is in the teachers unions' response to the movement for school choice, which, over the last decade, has been the most far-reaching movement for change in American education.<sup>38</sup> Proponents see choice-based reforms—most prominently, vouchers, charter schools, and privatization (district contracting with private firms)—as means of putting more power in the hands of parents, giving parents and kids more choices, and giving schools stronger incentives to perform. But from the unions' standpoint, it is largely irrelevant whether these arguments are correct or not. For the overriding fact is that choice-based reforms naturally generate changes that are threatening to the fundamental interests of unions—and the unions, quite predictably, are opposed. Much of their political activity over the last decade has been dedicated to the simple goal of blocking school choice.

The unions see vouchers as a survival issue. Vouchers would allow money and children to flow out of the public sector into the

38. See, e.g., Paul Peterson, "Choice in American Education," this volume; Bruce Fuller, Richard Elmore, and Gary Orfield, eds., *Who Chooses? Who Loses? Culture, Institutions, and the Unequal Effects of School Choice* (New York: Teachers College Press, 1996); Mark Schneider, Paul Teske, and Melissa Marshall, *Choosing Schools* (Princeton: Princeton University Press, 2000).

private sector: threatening a sharp drop in public employment, and thus in union membership and resources; dispersing teachers to private schools where they are much harder for unions to organize; promoting competition among schools, which puts union schools at a disadvantage; and creating a more decentralized, less-regulated system in which the unions will have less power and control. Small wonder, then, that the teachers unions have done everything they can to defeat vouchers. This has been true even when vouchers are proposed solely for the poorest and neediest of children, and in public school systems that are clearly failing.

So far, thanks to the combination of their formidable power and the blocking advantage inherent in American politics, the unions have succeeded in blocking vouchers almost every time they have been proposed. Three programs have been adopted over their vigorous opposition—programs for low-income kids in Milwaukee and Cleveland, and a program for kids in “failing” schools in Florida. But even these programs remain under assault, as the unions use whatever avenues they can—judicial, legislative, administrative, electoral—to bring them down.<sup>39</sup>

The teachers unions are also involved in a continuing battle to block the advance of charter schools. Charter schools are public schools of choice that are largely independent of district control, and offer parents alternatives to the regular public schools. Charters do not take money or teachers out of the public system, and so are not as threatening as vouchers. But they are threatening on other grounds. They need not be unionized, and, as schools of choice, they attract students and money away from the regular public schools where union members teach; indeed, charters actually have a competitive advantage, because they can be more flexible in their programs, and are not burdened by the costs and regulations imposed through unionization (and district governance). The more charter schools there are, then, the greater the threat to the size and financial well-being of the unions. Moreover, as charters spread, the districts and unions simply have less control

39. For a more extensive discussion of teachers unions and the voucher issue, see Moe, *Schools, Vouchers, and the American Public*.

over public education, and less power over the things that matter to them.

There can be little surprise, therefore, that the teachers unions have fought against charters. On occasion, they “support” charter proposals, but these are strategic political moves designed to head off something much worse—vouchers. When they “support” charter proposals, moreover, they do what they can to put strict ceilings on the number of new charters, require that the new schools be unionized, and give the districts and the unions as much control over them as possible. Charter schools are on the rise nationwide: there are now some two thousand of them, attended by some four hundred thousand children, and the numbers are growing rapidly. But for now, most are constrained by charter laws that have been heavily influenced by the unions and that sharply restrict how much real choice and competition the new schools can bring.<sup>40</sup>

The teachers unions have also been engaged in an ongoing battle against privatization. In the 1990s, there emerged new, for-profit companies that sought contracts to run entire schools (or even entire districts), typically those regarded as failing. From the unions’ standpoint, the problem was not that the privatized schools would be nonunion; for in reality, they would actually remain unionized—and quite public—schools that would simply be run by a contractor under terms set by the district. The problem was that the union would have less control over the contractor than over the district itself, that its new practices and procedures could disrupt (and outperform) those existing within the regular schools—and, most troubling of all, that any movement along this path could lead to far greater privatization in the future, and to a flow of jobs, money, and control from the public to the private sector. The last thing the unions want is a demonstration that private firms can do a better job of educating children than the regular, unionized schools can do.

40. On the charter movement and its politics, see Chester E. Finn, Bruno V. Manno, and Gregg Vanourek, *Charter Schools in Action* (Princeton: Princeton University Press, 2000).

The pioneer in this field, Education Alternatives, managed during the early 1990s to enter into contracts with a few struggling districts over vehement union opposition. But continuing trench warfare by the unions ultimately pressured district authorities to back out, and they sent the company packing (and into near bankruptcy). A second generation of private firms, led by Edison Schools, has learned from the political misfortunes of Education Alternatives and is making greater progress, particularly in districts that are hard-pressed to improve and where unions are weak or under pressure to acquiesce. Because of union opposition, however, their inroads into the public school system will be limited for the foreseeable future. Moreover, what progress they do make will usually involve them in contracts that are bogged down in district-imposed (and union-influenced) rules and regulations that make it difficult for these firms to take full advantage of their privateness, and of the efficiencies that markets can normally be expected to provide. If the unions can't block privatization entirely, their goal is to make sure that the contractor-operated schools look as much like regular public schools as possible—and thus that real reform is minimal.<sup>41</sup>

The bottom line, then, is that the teachers unions' greatest power is not the ability to get what they want, but rather the ability to block what they don't want—and thus to stifle all education reforms that are somehow threatening to their interests. School choice is not the only reform they oppose. Union interests are deeply rooted in the status quo, and most changes of any consequence are likely to create problems for them and to be opposed as well. The result is that, as our nation has struggled to improve its public school system, the teachers unions have emerged as the fiercest, most powerful defenders of the status quo, and as the single greatest obstacle to the reform of American education.

41. For a more detailed discussion of how unions have opposed privatization, with special attention to their successful attack on Education Alternatives, see Terry M. Moe, "Democracy and the Challenge of Education Reform," in Gary D. Libecap, ed., *Advances in the Study of Entrepreneurship, Innovation, and Economic Growth* (Greenwich, Conn.: JAI Press, 1997)

## CONCLUSION

The system that the teachers unions devote so much of their time and resources to protecting is very different from the one that prevailed during the first half of this century. During that period, the basic structure of public education looked very much as it does now, with schools subject to the authority of school boards, superintendents, state legislatures, and other arms of democratic government. Since then, the locus of effective authority has partially shifted from the local level to the state and national levels—and this, in many standard accounts, is what is significantly different about today's system. There has been another shift, however, virtually parallel in time, that is at least as significant. During the early period, unions and collective bargaining had almost no role in American education. The spectacular growth of teachers unions during the 1960s and 1970s changed that, and generated what deserves to be recognized as a new educational regime—a regime dominated by union power, suffused by union interests, and, after some thirty years, deeply entrenched.

Within the new regime, the teachers unions have profound influence on America's public schools. They shape the schools from the bottom up, through a collective bargaining process that touches virtually every aspect of school organization and activity. They also shape them from the top down, through a political process that determines each school's—and the entire system's—policies, programs, regulations, and financial resources, as well as which education reforms will and (more important) will not be adopted.

As the teachers unions put their stamp on the nation's schools, the objectives they pursue are reflections of their fundamental interests, which derive from their core functions of collective bargaining and organizational maintenance. These interests have no necessary connection to what is best for children, schools, or society, and are sometimes clearly in conflict with the greater good—as, for example, when they lead unions to protect the jobs of incompetent teachers, oppose performance-based evaluations, or burden schools with excessive bureaucracy.

It seems reasonable to suggest that, if our nation is to improve

its public schools, and if it does not want to be locked into only those reform strategies the unions find acceptable, then the unions must be regarded as part of the problem—and targets of reform. In recent years, certain scholars and even a few union leaders have argued the need for “reform unionism,” and claimed that, with enough prodding and enlightened thinking, the unions can dedicate themselves to the kinds of reforms that are actually good for kids, schools, and society. But this is a fanciful notion, based on a fatal misconception: that the unions can be counted upon to forgo their fundamental interests. Any reform premised on such an assumption is bound to fail.

For reform to succeed, something concrete must be done to remove the education system from the unions’ grip. This, however, will surely not be easy, precisely because the unions can (and regularly do) use their power to “persuade” would-be reformers to turn their sights elsewhere. Most Democrats, in particular, would be committing political suicide by trying to alter the unions’ current role in public education, and they will resist any efforts to do so. In a political system of checks and balances, this alone will be enough to block most reform proposals most of the time.

If the foreseeable future holds a solution to the problem of union power, it will probably develop as a by-product of the school choice movement. The best bet is that, despite union opposition, school choice in various forms will gradually spread—for it is being pushed by proponents in all fifty states and in thousands of districts, and the unions cannot win every battle. As choice spreads, the unions will be faced with an increasingly competitive environment. Children and resources will begin to flow to non-union schools, and unions will find themselves with fewer members, less money, and with a growing number of schools and teachers that are outside the traditional system and difficult to organize. Just as in the private sector, competition spells trouble for unions. It undermines their organizational strength—and in so doing, it undermines their political power.

Whether choice and competition will ultimately win out remains to be seen. In the meantime, the teachers unions will remain the preeminent power in American education. And they will continue to shape the public schools in their own image.

The teacher unions didn't invent tenure, despite widespread beliefs to the contrary. Tenure evolved in the 19th century as one of the few perks available to people who were paid low wages, had classes of 70 or 80 or more, and endured terrible working conditions. In late 19th century New York City, for example, there were no teacher unions, but there was already ironclad, de facto teacher tenure. We need independent lay school boards to hire the superintendent and to hold open public discussions of administrative decisions, and we need independent teacher unions to assure that teachers' rights are protected, to sound the alarm against unwise policies, and to advocate on behalf of sound education policies, especially when administrators are non-educators.