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# FROM COOLIDGE TO CHRISTIE: HISTORICAL ANTECEDENTS OF CURRENT GOVERNMENT OFFICIALS DEALING WITH PUBLIC SECTOR LABOR UNIONS

By Bryan J. Soukup

## I. Introduction

One might ask: what do Calvin Coolidge, Ronald Reagan, Scott Walker and Chris Christie have in common? The most obvious answer is that they all are (or were) Republican Governors, but these four men have something much deeper in common. All four have faced-off against powerful public sector labor unions and won. This paper will address and examine the similarities between the anti-union actions taken by these men—Coolidge and the Boston Police Strike of 1919, Reagan and the Professional Air Traffic Controllers (“PATCO”) Strike of 1981, and Walker and Christie’s recent dealings with public employee unions. In the end, the reader will view the work of these political figures as an inspirational passing of the torch between political eras. This paper will also briefly look ahead and discuss where this new wave of government-union interaction might lead public sector labor relations in the future.

## II. Calvin Coolidge and Ronald Reagan

### a. Governor Coolidge and the Boston Police Strike of 1919

No man’s house, no man’s wife, no man’s children will be safe if the police force is unionized and made subject to the orders of Red Unionite bosses...

— *The Los Angeles Times* in response to the 1919 Boston Police Strike.<sup>1</sup>

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1919 was a year of extreme labor unrest. Between 1915 and 1921, the total number of public workers in unions nearly doubled, rising in numbers from 4.8% to 7.2%.<sup>2</sup> This was “an especially impressive increase given that the total number of government employees in these years grew by more than one-quarter, from [1.8 million to 2.4 million.]”<sup>3</sup> Not only were their numbers increasing, but also, these unions’ demands were becoming more extreme. “From 1916 to 1922 . . . demands became too heady for the [American Federation of Labor (“AFL”)] . . . to contain . . . and too menacing for business and the state to tolerate.”<sup>4</sup> By that year’s end, an astounding *one-fifth* of the United States workforce had been on strike.<sup>5</sup> In February of that year, media headlines heralded “a ‘prelude to revolution’ when a general strike in Seattle closed all business February 6 to 11<sup>th</sup>.”<sup>6</sup> In addition to slowing commerce, the menace of public safety strikes by police and fire departments, strikes that took on militant characteristics, caused great civil turmoil.<sup>7</sup> On May Day (the Socialist/Bolshevik worker’s holiday), 1919, forty mail bombs were sent to public leaders across the country.<sup>8</sup>

Meanwhile, in Massachusetts, where future-President Calvin Coolidge was the Republican Governor, members of the Boston Police Department, seeking a pay increase, approached the AFL to aid in its unionization.<sup>9</sup> The timing of this request was especially inopportune for government leaders, coming just one year after the Boston Firefighters Union achieved a pay raise only after “threatening to resign en masse.”<sup>10</sup> In May, the department was granted a charter by the AFL.<sup>11</sup> In response, Police Commissioner Curtis issued General Order 110, barring police officers from “belonging to almost any organization with ties outside the police department.”<sup>12</sup> Furthermore, the Commissioner suspended eight leading union organizers. The Mayor of Boston responded by organizing a commission to study the prospect of unionizing.<sup>13</sup> The commission came to the conclusion that “[t]he majority need for public safety outweighed the officers’ asserted right to collective bargaining.”<sup>14</sup>

On September 9, as a result of the City’s lack of cooperation and refusal to agree to the

union’s salary demands, the police union voted to strike. Strike action was approved by a whopping margin of 1,134 to 2, leading 1,100 officers to abandon their posts, leaving only 400 officers on active duty.<sup>15</sup> As word of the strike spread throughout the city, a crowd gathered in Scollay Square, swelling to more than 10,000 people by 8pm.<sup>16</sup> Rioting, violence, and looting ensued, and the next morning Coolidge ordered in the National Guard to restore order.<sup>17</sup> By the end of the conflict, five people had died.<sup>18</sup>

After the dust settled, the police union requested that the striking officers be reinstated. Coolidge refused.<sup>19</sup> Thanks to a high rate of unemployment, the Commissioner was able to hire an entirely new police force.<sup>20</sup> Coolidge took his anti-union message across the country, labeling the terminated officers as “deserters.”<sup>21</sup> In a telegram to labor leader Samuel Gompers, Governor Coolidge wrote the immortal words, “[t]here is no right to strike against the public safety by anybody, anywhere, any time.”<sup>22</sup> For public employee unions, the Boston police strike was “the most searing and enduring image of their history in the first half of the twentieth century and beyond...”<sup>23</sup>

### **b. President Reagan and PATCO**

Coolidge’s heavy-handed style of labor management largely disappeared as a result of the market crash of 1929.<sup>24</sup> The half-century between 1930 and 1980 was largely dominated by private and public sector organized labor, which, generally, grew in power and numbers. Throughout the 1930s and 40s, private sector labor unions expanded their size and influence as a result of the Roosevelt Administration’s pro-union legislative agenda.<sup>25</sup> During the 1950s, the American workforce went on strike an average of 350 times per year.<sup>26</sup> In 1959, Wisconsin passed the first state statute permitting public sector collective bargaining.<sup>27</sup> In 1962, President Kennedy granted federal government employees the right to collectively bargain by issuing Executive Order 10988.<sup>28</sup> During the Johnson Administration, the size of the federal government ballooned due to the massive government undertakings in Vietnam and to fight the War on Poverty.<sup>29</sup> As

the government grew, public sector unions followed suit, expanding to numbers never before seen.<sup>30</sup> “In 1955 public sector unions had a total of about 400,000 members; by the 1970s the total was more than 4,000,000.”<sup>31</sup>

However, the tide turned during Ronald Reagan’s administration. Although Reagan had an intermittent role as a labor leader as president of the Screen Actor’s Guild between 1947 and 1959, as President of the United States, his policies and rhetoric were markedly anti-union. Alan Draper, Professor of Government at St. Lawrence University, has observed that “[t]he Reagan years accentuated and exaggerated a trend of [labor union] decline.”<sup>32</sup> When PATCO, a public sector labor union, tested the new president’s resolve less than a year into his first term, Reagan responded with steely determination.

The PATCO conflict was the culmination of decades of tension between PATCO and the Federal Aviation Administration (“FAA”).<sup>33</sup> From 1968 to 1978, PATCO organized six slowdowns (ordering workers to intentionally slow the pace of work) and sickouts (organizing workers to simultaneously take unwarranted “sick” days) to pressure the FAA to yield to its demands.<sup>34</sup> Adding gasoline to an already smoldering fire, Reagan chose J. Lynn Helms, “a hard-charging fighter pilot” with a confrontational style, as his FAA chief in 1981.<sup>35</sup> Helms’ counterpart at PATCO, Robert Poli, took control of the union in 1980 “with clear intentions to strike, not just for additional benefits, but for a revolution<sup>36</sup> in the aviation community.”<sup>37</sup> These hardnosed opponents set the perfect stage for a head-on collision in 1981.

The first round of negotiations between PATCO and the Federal Government took place in late spring of 1981. From the start, PATCO had no intention of bargaining in good faith.<sup>38</sup> At one of the first negotiation sessions, PATCO articulated its pay demands. The federal negotiators replied that pay increases were nonnegotiable (as they had historically been) to which PATCO negotiators responded, “[w]e’ll work it out on the picket line.”<sup>39</sup> Brian Flores, the neutral federal mediator, stated that “he had never seen another federal union make such a statement.”<sup>40</sup> Soon

after, PATCO met for its annual convention where Poli announced that “the union would stage a nationwide shutting down of air traffic from Key West to Anchorage, Puerto Rico to Guam, if it did not get an acceptable contract,” vowing, “the skies will be silent.”<sup>41</sup>

While PATCO was spreading provocative rhetoric, the Reagan administration crafted a generous proposal that included following:

an unprecedented 5 percent addition to base salaries[;] an exemption for controllers from federal caps on premium and overtime pay; an increase in night shift differential from 10 percent to 20 percent of salary; a guaranteed paid one-half-hour lunch period; a stipulation that controllers in high density facilities would no longer spend more than 6.5 hours per day on position; and severance pay that would give any controller medically disqualified after at least five years on the job a one-year salary in lump sum payment.<sup>42</sup>

“Never before had the government offered so much in a negotiation with a federal employees’ union.”<sup>43</sup> Nonetheless, when Poli was presented with the record offer, he was unimpressed.<sup>44</sup> On June 21, 1981, as talks continued in the nation’s capitol, air traffic controllers flocked to their local strike offices for a “horse count.”<sup>45</sup> Meanwhile, back in Washington, Poli bought time while waiting for a call from his lieutenants confirming whether or not the horse counts reached the required 80% approval to implement the strike.<sup>46</sup> At 3:30 a.m. on June 22<sup>nd</sup> (the proposed strike day) Poli received a call delivering the news that the union failed to win enough support, falling 5% short of the number required for strike action.<sup>47</sup> The results shocked the PATCO leadership.<sup>48</sup> The PATCO leaders became deflated, the government negotiators stiffened their resolve, and by 10:30 a.m., the originally proposed agreement was signed.<sup>49</sup>

The conflict, however, was not at an end. Poli and PATCO leaders were lambasted by controllers who thought the contract was an utter defeat.<sup>50</sup> On July 1, the PATCO Executive

Committee met in Chicago, voting 8-0 to reject the contract.<sup>51</sup>

After the vote, both sides prepared for the coming war. PATCO instructed its members to line up part-time work, eliminate debt, and stock up on provisions.<sup>52</sup> For its part, the Reagan administration crafted an intricate strike plan, relying on “flow control” (limiting of flights in the air at one time) and recruiting replacement workers.<sup>53</sup> With the illegality of the strike undisputed, Reagan caucused with his top advisors as to how to proceed. Some elements of his administration, including Attorney General Bill Smith, favored the zero-tolerance approach of immediately terminating the controllers.<sup>54</sup> Reagan took a more moderate approach, deciding on a 48-hour ultimatum for controllers to return to work.<sup>55</sup> The President made clear that if the controllers did not return to work by the end of the deadline, they would be dismissed.<sup>56</sup>

After only 48-hours of additional bargaining, the negotiations broke down.<sup>57</sup> While it is doubtful that PATCO actually reached its 80% threshold in this second vote, the union leadership determined that it had gone too far to back down at this point, and the strike was on.<sup>58</sup>

At a national press conference in the Rose Garden on August 3, 1981, President Reagan “declared his intentions to invoke the as-of-yet unenforced federal statute against public sector strikes, and warned that those who ‘do not report for work within 48 hours . . . have forfeited their jobs and will be terminated.’”<sup>59</sup> Forty-Eight hours later, all controllers who did not return to work were discharged and banned from FAA service for life.

### **c. Coolidge as Inspiration for Reagan**

It is said that Ronald Reagan launched the rebirth of the “Coolidge Cult.”<sup>60</sup> In every facet of his political life, Reagan was a proud disciple of Calvin Coolidge; so much so that the day he was inaugurated, Reagan advised the White House curator to remove the portrait of President Harry S. Truman from the Cabinet Room and replace it with one of President Coolidge.<sup>61</sup> A July 4, 1981 *New York Times* op-ed entitled “Calvin Reagan” claimed that Coolidge was Reagan’s “political

patron saint.”<sup>62</sup> Like Coolidge, Reagan believed in small government, cutting taxes and deregulation. Moreover, as with Coolidge, Reagan was pro-business and opposed to commercial regulation.<sup>63</sup> During a 1981 interview, Reagan fawned over the legacy of Coolidge, saying:

I don’t know if this country has ever had a higher level of prosperity as it did under Coolidge. And he actually reduced the national debt, he cut taxes several times across the board. And maybe the criticism was . . . [he wasn’t] activist enough. Well, maybe there’s a lesson in that.<sup>64</sup>

It is little surprise that a man who idolized Calvin Coolidge as Reagan did adopted so much of Coolidge’s rhetoric and policy stances, including those dealing with public sector labor unions. The similarities between their approaches led author John C. Armor to ponder “[w]ould the air traffic controllers . . . fear the no [federal public sector employee] strike law if an ideological child of Franklin Roosevelt were in the White House [in 1981], rather than a child of Calvin Coolidge?”<sup>65</sup>

The similarities between the two men are striking. First, they both reached the pinnacle of their power during dramatically similar times in terms of labor relations. Much like 1919, the 1960s and 70s saw a period of “militancy” in public sector unions.<sup>66</sup> “[T]eachers, sanitation workers, and even police and firefighters, among others, engaged in job actions and (often illegal) strikes.”<sup>67</sup> During the 1970s, there was an average of 289 major work stoppages involving 1,000 or more workers occurring in the U.S. each year.<sup>68</sup> In New York State alone, where strikes by teachers are illegal, teachers went on strike an average of 20 times each year.<sup>69</sup> By 1980 “the portion of full-time unionized public employees jumped . . . to 36% of the public-sector work force.”<sup>70</sup> May Day in 1919 saw unprecedented confrontational labor activity; similarly, in the spring of 1981, the AFL-CIO Executive Council planned a massive march on Washington to protest President Reagan’s labor agenda.<sup>71</sup> It was this period, leading up to 1980, which saw a zenith<sup>72</sup> of public sector union power.<sup>73</sup>

Reagan and Coolidge shared the belief that public sector union strikes are illegal and intolerable. Seeing the strong parallels between the two presidents, on the eve of the PATCO strike, *The Wall Street Journal* published a flattering tribute to Coolidge's stout and unwavering action during the Boston Police Strike.<sup>74</sup> Reagan was steadfast in his belief in the strike's unlawfulness saying, "[d]ammit, the law is the law and the law says they cannot strike..."<sup>75</sup> While walking to the Rose Garden the Monday morning he gave the controllers the ultimatum to return to work, Reagan contemplated quoting Coolidge's telegram to Gompers.<sup>76</sup> Although he refrained from using Coolidge's exact words, Coolidge's spirit was clearly present. Media personnel present inside the White House for a briefing by Reagan after his public announcement reported that his stance and rhetoric were "as tough as nails" on the right (or lack thereof) of a public employee union to strike against the public safety.<sup>77</sup> Reagan later explained, "[y]ou cannot allow a strike to shut down a vital government service... I agreed with Calvin Coolidge, who said, 'There is no right to strike against the public safety by anybody, anywhere, any time.'"<sup>78</sup>

Reagan and Coolidge also held the staunch belief that the refusal of these men and women to return to work necessitated their termination and ban from future service. Coolidge was counseled by Police Commissioner and former Boston Mayor Curtis, who convinced Coolidge that the striking officers should not be allowed to return to the force.<sup>79</sup> Reagan was advised by Office of Personnel Management Director Donald Devine and Senior Advisor Ed Meese, who counseled the President to ban the strikers from seeking employment within the FAA, but allow them to seek other federal employment.<sup>80</sup> After conferring with Vice President Bush and a team of advisors from around the Administration, Reagan agreed to these terms of termination.<sup>81</sup>

Coolidge's political success following the Boston Police Strike showed Reagan that a president could take drastic action, stand strong against a public sector union and benefit in the polls. After the Police Strike, Coolidge's approval ratings skyrocketed and he was reelected Governor in

November 1919, handily defeating Democrat Richard Long, whose platform included reinstating the police officers.<sup>82</sup> Coolidge was selected as the Republican Vice Presidential nominee in 1920, and elevated to the Presidency upon the death of Warren G. Harding in 1923.<sup>83</sup> Harding ran on a platform of a "return to normalcy" after the tumult of the Great War years and the ensuing Red Scare.<sup>84</sup> For Harding, there was no man more appropriate for this return to normalcy than post-strike Coolidge.<sup>85</sup> Coolidge was easily reelected President in 1924, stumping on the slogan "Keep Cool with Coolidge."

Similarly, some six decades later, the Reagan Administration was bolstered by the positive attention it received as a result of the PATCO strike. It is estimated that in the days and weeks following the ultimatum and the start of the strike, communications traffic into the White House from the American people was overwhelmingly favorable, by a margin of 13-1.<sup>86</sup> Three years later, President Reagan was easily reelected. His cheery "Morning in America" campaign portrayed the country on the upswing and on its way back to social normalcy and free market economic prosperity, ideas reinforced by Reagan's success in handling the PATCO strike.<sup>87</sup> On Election Night 1984, Reagan won every state in the union with the exception of Walter Mondale's home state of Minnesota.<sup>88</sup> In exit polls, the economy (including labor/union issues) was a close second place on the minds of most Americans, narrowly behind the threat of nuclear war with the Soviets.<sup>89</sup> Reagan even collected 46% of the union vote.<sup>90</sup> Today, President Reagan and his legacy are fondly remembered by many as he places third in *CNN's* recent "Most Popular Past U.S. Presidents" poll.<sup>91</sup>

### III. Reagan and the New Generation

After the Reagan Administration's success in breaking the PATCO union, labor leaders and political commentators feared the shockwave that would resonate from the event. They worried that Reagan's example would "strengthen the hand of local governments everywhere."<sup>92</sup> These union sympathizers foresaw "thousands

of little Ronald Reagans across the country” standing up to public unions as the President had done.<sup>93</sup> Indeed, most of the next generation of Republican leaders, those in power today, have largely followed Reagan’s example.

As with the periods leading up to the 1919 Police Strike and the 1981 PATCO Strike, there are clear similarities between the period leading up to the PATCO Strike and the period leading up to the decisive Republican victories in the 2009/2010 midterm election, which undoubtedly boosted conservative Republican efforts to turn back the tide of public labor. During both periods, the Democrats had a stranglehold of power in Washington. In 1981, Democrats had a 243 to 192-seat advantage in the House of Representatives, with a boisterous and active Speaker of the House in Tip O’Neil.<sup>94</sup> In 2009, Democrats held a staggering 59 to 41 advantage in the Senate, and a 235 to 198 advantage in a House of Representatives, led by outspoken San Francisco Congresswoman Nancy Pelosi.<sup>95</sup>

The economic and sociopolitical climates were also similar during these two time periods. In 1981, the unemployment rate hit 7.6%.<sup>96</sup> In 2010, that rate was 9.6%.<sup>97</sup> As the nation saw under Jimmy Carter with his expansion of the minimum wage and other entitlement programs,<sup>98</sup> Barack Obama has done the same with his Affordable Care Act and his call to raise the minimum wage in his 2013 State of the Union Address.<sup>99</sup> Although the breaking of the PATCO Strike set public sector unions back, “[t]hey survived the post-PATCO strike era and remained the most vibrant part of the labor movement [into this century].”<sup>100</sup> As in 1981, the dire financial predicament the states and federal government found themselves in in 2010 (and still today) required robust action from the government to reign in spending and balance state and federal budgets.<sup>101</sup>

With this climate as the backdrop, two men have risen to prominence in the Conservative movement: Scott Walker and Chris Christie. Like Coolidge and Reagan before them, these men have confronted public labor unions with much success. Ronald Reagan saw the perils of ever-expanding public sector collective bar-

gaining in an economy where most Americans, especially in the private sector, were taking cuts in pay and benefits. In fact, it was PATCO’s rejection of Reagan’s offer—an offer almost universally believed to be both fiscally responsible and fair to the taxpayer, the government, and PATCO—that convinced the President to take the bold action of breaking the strike and firing the workers.<sup>102</sup> Following in his footsteps thirty years later, Walker and Christie confronted public sector unions using the memory of Reagan as their guide.

**a. Reagan and Governor Scott Walker (R-WI)**

Scott Walker was sworn in as Governor of Wisconsin on January 3, 2011, swept in with the Republican electoral wave of 2010. Running on a platform of fiscal responsibility in Madison, Governor Walker immediately got to work fixing the state budget. Upon his inauguration, Walker faced a \$3 billion deficit left by his Democratic predecessor Jim Doyle.<sup>103</sup> One of his major targets in combatting the budget shortfall was public sector unions and their government contracts. Governor Walker, and those who subscribe to his philosophy, believed that in order to close the budget gap, legislators must take efforts to rein in substantial public employee pay and benefits.

Walker is undoubtedly a devotee of Ronald Reagan and his philosophy. Like Reagan with Coolidge, Walker used Reagan as his guiding light. The night before he submitted his Budget Repair Bill to the Assembly, Walker gathered his staff in his office as “a last hurrah before [they] dropped the bomb [(the Budget Repair Bill)].”<sup>104</sup> Governor Walker proceeded to take a picture of Reagan from his pocket, and instructed his team to prepare for war,<sup>105</sup> stating: “thirty years ago Ronald Reagan . . . had one of the most defining moments of his political career, not just of his presidency, when he fired the air traffic controllers. . . This is our moment, this is our time to change history.”<sup>106</sup> Walker proclaimed that it was his chance to follow Reagan’s example; no matter the personal cost.<sup>107</sup>

The next day, Walker signed Act 10, the 2011 Budget Repair Bill (“Act 10” or “the Act”), a bill that was the culmination of his labor relations

efforts. The Act limits collective bargaining for most state employees (excluding police officers and fire fighters) to negotiations over wages.<sup>108</sup> Further, “wage increases are capped on the cost of living unless higher wages are approved in a referendum.”<sup>109</sup> It also limits contracts for state employees to one year<sup>110</sup> and precludes state employers from collecting union dues.<sup>111</sup> The Act outlaws “fair share clauses” for all unions except fire and police unions,<sup>112</sup> allowing government employees to remain in a union without paying union dues. Finally, each year, unions must hold recertification elections to determine if they have the support of a majority of their constituents.<sup>113</sup> After a 61-hour debate on the floor of the Wisconsin Assembly, the bill passed 51-17, with 25 Democrats, two Republicans and an independent not voting at all.<sup>114</sup> In 2013, the Seventh Circuit Court of Appeals upheld Act 10 in its entirety, putting to bed a long legal battle over the Act.<sup>115</sup>

Like Reagan drew harsh public criticism of his actions during the PATCO affair, Walker drew immediate fire for Act 10. In 1981, the PATCO criticism culminated in the massive Solidarity Day march of September 19, 1981, where over 260,000 union supporters marched on Washington to protest the Reagan Administration’s labor policies.<sup>116</sup> Similarly, in February of 2011, nearly 70,000 people, including teachers who phoned-in “sick” to their jobs, marched on Madison and occupied the statehouse to protest Governor Walker’s Act 10.<sup>117</sup> Additionally, both men were subject to friendly fire from within their own party. Republican Congressman and future Vice Presidential nominee Jack Kemp told the media in 1981: “[t]he President has made his point... [N]ow for the safety of travelers we must get [the controllers] back to work.”<sup>118</sup> Walker squared off against three primary opponents in his recall election.<sup>119</sup> Faced with this opposition, both men refused to back down from their positions and forged ahead with their original plans.

Like Reagan, Walker’s tough stance against public sector unions has been met with success. By the end of 2011, after the Budget Repair Bill was in effect, Wisconsin went from a \$3 billion budget shortfall to a \$300 million budget surplus

projected by the end of the FY2012-2013 biennium, an incredible feat.<sup>120</sup> As a result, Wisconsin’s school districts (many of which employ teachers who occupied the Capitol Building in Madison) saw fiscal stabilization.<sup>121</sup> For example, “[i]n New Berlin, the school district went from a \$3 million deficit to balancing its budget, and actually lowered school property tax by one percent . . . In Kaukauna . . . Act 10 has allowed the district’s projected operating budget to improve from a \$400,000 deficit to approximately \$1,500,000 in the black.”<sup>122</sup>

Surprisingly, both men saw political support from unions despite their union busting. Reagan, who was perceived by many union and nonunion households as being fair while standing tough against labor scofflaws in order to fix the national economy, received a large share of the union vote in 1984 and was invited to (and warmly accepted at) the national convention of the United Brotherhood of Carpenters only one month after issuing his PATCO ultimatum.<sup>123</sup> In March 2013, Walker faced stiff opposition to two controversial bills: one that prohibits local units of government from enforcing residency requirements on public employees, and a mining bill.<sup>124</sup> The residency bill faced strong opposition from local governments who felt public employees must live and pay taxes in the communities in order to work there.<sup>125</sup> The mining bill faced opposition from environmentalists.<sup>126</sup> In his efforts to enact this legislation, Walker has received public support from several unions, including the Milwaukee Police Association and the Wisconsin Pipe Trades Union.<sup>127</sup>

Both Reagan and Walker had great electoral success following their anti-union policies. Reagan cruised to victory in the 1984 presidential election, and Walker, who faced a gubernatorial recall election in 2012, won by a comfortable margin, besting his original election performance in 2010.<sup>128</sup>

### ***b. Reagan and Governor Chris Christie (R-NJ)***

Chris Christie defeated incumbent Democrat Jon Corzine to become Governor of New Jersey in 2009. Christie has often cited President



Reagan for political inspiration throughout his career. Those who follow Christie's work in the statehouse claim that he channels Ronald Reagan on a daily basis in his style and rhetoric. Like Reagan, Christie "has an uncanny ear for what troubles Americans."<sup>129</sup> In fact, Christie has looked to Reagan's handling of the PATCO strike as inspiration for his own tussles with organized labor in New Jersey. Speaking before a banquet at the Reagan Presidential Library in 2011, Christie said:

Everybody in this room . . . has his or her favorite Reagan story. For me, that story happened thirty years ago, in August 1981. The air traffic controllers, in violation of their contracts, went on strike. President Reagan ordered them back to work, making clear that those who refused would be fired. In the end, thousands refused, and thousands were fired.<sup>130</sup>

Christie has followed through with this example.

In one of his first major addresses to the citizens of New Jersey, Governor Christie laid out the state's dire financial situation. Like Walker in Wisconsin, Christie inherited "a budget deficit of \$2.2 billion, which was projected to expand to \$10.7 billion [in 2011] . . ."<sup>131</sup> Like Reagan, Christie quashed the notion of tax increases to close the deficit and, instead, took on the state's spending expenditures against the wishes of the majority of Democrats, and even some Republicans, in the state legislature.<sup>132</sup>

Christie set out an ambitious plan to curb state spending. His plan combined "reducing aid to schools and municipalities by \$820 million and \$466 million respectively, and forgoing a \$3 billion contribution to state pensions."<sup>133</sup> In a time where both public and private employees were taking salary, pension, and benefit cuts, Christie asked the teachers' union to contribute 1.5% of their pay to help fund their health insurance, when most had never been required to make any contributions before.<sup>134</sup> Christie's request was reasonable and well below what most workers were required to contribute in other jobs. According to the Kaiser Founda-

tion, in 2011, premiums for worker-only health coverage averaged \$5,429 annually.<sup>135</sup> Typically, workers paid \$921 or 5.9% of their premiums.<sup>136</sup> Christie's pension reform plan also raised the retirement age for public workers hired since July 2011 to 65, "making all public workers pay a larger contribution toward their retirement benefits, and suspending the promise to give retirees automatic cost-of-living adjustments."<sup>137</sup>

Finally, Christie sought to reform the way in which teachers are paid and evaluated. Christie's reforms changed the pay scale and tenure rules from being based on seniority/degrees earned to being determined by classroom performance, making it harder for public school teachers to earn tenure, and easier for schools to terminate under-performing teachers.<sup>138</sup> The new law mandates that teachers work for four years, one of which must be under a mentor, and earn satisfactory ratings in at least two years.<sup>139</sup> "Teachers who fail to earn high ratings for two consecutive years will automatically face revocation of tenure, unless they have shown some improvement."<sup>140</sup> Christie's bills passed the Democrat-controlled legislature in August 2012.

As with Reagan, Christie faces stern opposition from labor leaders. Christie, who is up for reelection in November of 2013, is frequently greeted by large groups of protestors at many campaign stops, challenging him on his budget cuts.<sup>141</sup> After Reagan issued his 48-hour ultimatum to PATCO, union clusters gathering to weather the strike could be heard chanting "Fuck the President" and "Take this job and shove it."<sup>142</sup> Similarly, on a recent occasion while Governor Christie was walking on the Seaside Heights Boardwalk with his family, a group of detractors confronted him with a profanity-laced tirade, attacking his anti-union policies. In true character, Christie stood firm, responding "[y]ou're a real big shot. Keep walking away. Big shot."<sup>143</sup>

Tactically, both the teachers' union and PATCO attempted to apply public and political pressure on these men in an attempt to get them to capitulate to their demands. Reagan responded to the union's demands with steadfastness. After Reagan's ultimatum was issued, PATCO co-founder Jack Maher turned to co-founder

Mike Rock and tried to convince him that they would win the war if they could just hold out a bit longer.<sup>144</sup> Rock replied “[y]ou can back down the secretary of transportation, the FAA, or an individual congressman or senator . . . But [when] you put the president of the United States publicly in a corner, he can’t back down.”<sup>145</sup> In New Jersey, after Christie asked the teacher’s union to contribute to their insurance plan, most teachers refused.<sup>146</sup> Christie went straight to the people and asked voters to vote down any school board budget that did not comply with his request.<sup>147</sup> An impressive 58% of proposed school budgets were defeated after Christie’s plea.<sup>148</sup> “Just as Reagan did in 1981 when he faced off with the air traffic controllers union, Christie called the bluff and seems to have won.”<sup>149</sup>

Finally, like Reagan, Christie has flourished since his run-in with New Jersey public unions. When Reagan resisted PATCO and terminated its striking workers, his showing of strength gave him “a huge infusion of presidential credibility, even among some people who deplored the act itself.”<sup>150</sup> Many believe that it was this moment that defined his presidency. Similarly, Christie’s principles have earned him supporters in some unlikely places. In February 2013, well-known liberal billionaire and Facebook founder Mark Zuckerberg hosted a lavish fundraiser for Christie at his Palo Alto home.<sup>151</sup> A spokesperson for Zuckerberg and his wife proclaimed, “[Mr. and Mrs. Zuckerberg] admired the governor’s work on education policy.”<sup>152</sup> In November 2013, Christie will face Democratic State Senator Barbara Buono in the New Jersey gubernatorial election. Currently, he has an overwhelming 39.3 percentage-point advantage over Buono.<sup>153</sup> An astounding 71% of the State of New Jersey, a solid “Blue State,” at least in federal elections, believes the Republican Governor deserves a second term in office.<sup>154</sup>

#### **IV. Today’s Political Climate and the Future of Public Sector Unions**

After President Reagan turned back PATCO, columnist George Will celebrated the conservative victory as the end of “liberal permis-

siveness and a runaway rights revolution . . . [saying] ‘[i]n a sense, the ‘60s ended in August 1981.’”<sup>155</sup> This declaration was exaggerated, as Reagan’s run-in with PATCO did not usher in a long-lasting conservative utopia. In the same vein, after Scott Walker successfully fended off a recall effort, New York Post columnist Rich Lowry wrote, “[t]he [political] left’s year-and-a-half-long siege of Wisconsin has receded in failure like the Muslim invaders at the gates of Vienna in 1529. The Ottomans were never quite the same, and the public-sector unions won’t be either . . . Yesterday’s vote may be remembered as the death rattle of public-sector unions in the state that first created them.”<sup>156</sup>

Indeed, public sector union membership has declined in recent years. For instance, the Wisconsin American Federation of State, County, and Municipal Employees (“AFSCME”) “shrank from 62,818, when Walker undertook his reforms[,] to 28,745 [and] [t]he American Federation of Teachers-Wisconsin lost 6,000 members out of 17,000.”<sup>157</sup> Moreover, public animosity toward unions is on the upswing. In 2009, before this latest period of anti-union action, only 48% of Americans polled said they supported labor unions.<sup>158</sup> As of 2010, a Pew Research Poll reported that only 41% of Americans had a favorable opinion of labor unions.<sup>159</sup> For many taxpaying citizens, deciding between honoring comparatively cushy union contracts and having the ability to provide for necessary public services is an easy choice.

Contrary to popular belief, it’s not just Republicans in “Red States” that are rolling back union rights and privileges. In the summer of 2012, California cities like San Jose and San Diego overwhelmingly approved ballot measures that scaled down union pensions.<sup>160</sup> Even Democratic Governor Andrew Cuomo of New York has adopted the cause of pension reform to save his financially ailing state in these lean economic times.<sup>161</sup> As Cuomo has reasoned, unions must accept these changes now or face layoffs later.<sup>162</sup>

It can be argued that the labor policies implemented by Governors Christie and Walker are not destroying unions; they are saving unions from themselves. Public unions will not survive

in this period of budgetary austerity unless they agree to adapt. Evolving will require consenting to reforms like those in New Jersey, where Christie has required teachers to pay money into their insurance and pension systems (as most American workers do) and accept merit-based standards for evaluation and pay. If they don't, the perception of unions as inefficient, greedy, bureaucratic institutions will continue to grow, negatively affecting public perception even in traditionally pro-union states such as Wisconsin and California. Whether this perception is right or wrong, this is largely the public opinion across the nation. In all corners of the country, the policies of Christie and Walker are being adopted in large numbers, by Governors Daniels (Former Gov. R-IN), Haley (R-SC), Snyder (R-MI), Perry (R-TX), Scott (R-FL), Kasich (R-OH), Otter (R-ID), Cuomo (D-NY), and many, many other legislators, congressmen, senators and governors across the nation.<sup>163</sup> It appears that the prophecy that many labor leaders feared in the 1980s, that "thousands of little Ronald Reagans" would permeate throughout the country, may be coming true.<sup>164</sup> If unions don't accept the changes in our economy and society and continue to refuse to work with legislators and executives to reform labor-management relations in the public sector, they are doomed to extinction. Detractors might point out that voters in places like Idaho and Ohio have rejected certain public sector union reforms on referendum; nonetheless, even with these sporadic defeats, legislators and state executives across the nation have continued to push ahead with their restructurings and, on the whole, the public has been largely accepting and supportive of these reforms.<sup>165</sup>

While labor unions certainly need to change their approach to dealing with their government employers, proponents of public sector labor unions argue that government employers can also adapt to make public sector unions more sustainable, while simultaneously allowing the government entity to improve itself. In doing so, these unions may be able to aid the government in slimming budgets and bringing prosperity to the nation.

For example, according to Chicago-Kent School of Law Professor Martin Malin, "[s]tudies in the private sector show that when unions are strong and have a cooperative relationship with management, they provide independent employee voice that plays a crucial role in the successful development and sustenance of high performance workplace practices."<sup>166</sup> As Malin posits, unilateral employer action results in an almost reflexive negative and rebellious reaction from the union.<sup>167</sup> Conversely, when unions are engaged and allowed to provide input to a plan along with management, they can serve as a "contributor" to effective government rather than an impediment.<sup>168</sup> Labor experts Saul Rubinstein and John McCarthy document excellent examples of this phenomenon in a 2010 study.<sup>169</sup> Their paper focuses on labor-management teambuilding among teachers' unions, school administrators, and school boards.<sup>170</sup> As a result of these collaborative partnerships, the public schools studied have shown measured improvement in "development, scheduling, budgeting, strategic planning, hiring, subject articulation, interdisciplinary integration, mentoring, professional development and evaluation."<sup>171</sup> Adopting such a cooperative course might prove beneficial in the long-term for both the stabilization of government budgets and the popularity and sustainability of public sector unions.

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## **V. Conclusion**

In studying the past, we often see a single thread that binds epochs in history together. America has witnessed remarkably similar phases of anti-union government action and public opinion before in 1919 and 1981, and we are seeing it again now. As this paper has demonstrated, the actors in each period have taken from the last in terms of tactics, rhetoric, and technique and all have experienced similar outcomes. Reagan, as a student of Coolidge, and Walker and Christie, as students of Reagan, have followed the successful battle plans of those who have come before them. As a result, these leaders have been able to calm the growing public union tide and right

their state's budgetary ships, while also bringing the general public onto their side, even in traditionally pro-union states like New Jersey and Wisconsin. As the dominoes continue to fall for public unions in traditionally friendly territory like Michigan, New York, and California, today's public unions would be wise to study the failures

of the Boston Police and PATCO and commit to cooperation and innovation with their government employers. Although unions bounced back from the brink after those failures, our nation's current extreme economic, social, and political conditions might sound the final death knell for public sector unions. ■

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