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Richard W. Hurd

Cornell University, rwh8@cornell.edu

Sharon Pinnock

American Federation of Government Employees

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Public Sector Unions: Will They Thrive or Struggle to Survive?

Abstract

[Excerpt] There is emerging consensus among public sector union leaders at the national level¹ that the threats they face today are eerily similar to those ignored by private sector unions 20 years ago. Privatization, reinventing government, a changing public sector work force, anti-government forces on Capitol Hill and in statehouses, union myopia, and member apathy all are taken with the utmost seriousness. The situation calls for a sophisticated strategic response. Because they are operating from a position of relative strength, public sector unions must be at the forefront of any effort to re-establish union influence in our society. With this ultimate objective in mind, the following priorities have been embraced by most of the major public sector unions: expand political action, enhance organizing programs, fight privatization, mobilize members in support of the above, and develop a new generation of leaders.

If public sector unions are successful in achieving these priorities, the entire labor movement will benefit. In the next section we present an optimistic scenario that outlines what we see as key ingredients if public sector unions are to prevail. Unfortunately, we are not fully convinced that this formula will be pursued with sufficient vigor to meet the political and economic challenges that threaten unions. Later in the paper we will describe a more pessimistic course of events that could result in gradual contraction of density and influence. Although we concur on the factors that could lead alternatively to success or failure, we differ on the weights we assign to the two scenarios. Co-author Pinnock believes that the evidence supports a positive prognostication, while co-author Hurd is less sanguine and leans towards the forecast of adversity (apropos his training as an economist). We are in agreement, however, on the essential elements of a revitalized labor movement and will conclude the paper with a synopsis of our prescription for productive transformation.

Keywords

labor movement, unions, public sector, organizing

Disciplines

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**Public Sector Unions:
Will They Thrive or Struggle to Survive?**

Richard W. Hurd
Cornell University

Sharon Pinnock
American Federation of Government Employees

I. Introduction

During the past half century, a remarkable reversal in the fortunes of U.S. unions has occurred. In 1950 private sector unions were a powerful force in the economy, which had experienced two decades of growth and consolidation, with a density at 35 percent of the work force and plans to expand into the South. Public sector unions were an afterthought with minimal bargaining rights outside of the postal service and density inexorably hovering at 10 percent, a level first attained in the early 1930s. Today the situation is reversed. Public sector density has been above 35 percent for over twenty years while private sector density has dropped below 10 percent. It would be all too easy to conclude that public sector unions are strong, stable, and immune to the external and internal influences that have brought private sector unions to their knees. If stability and strength were inevitable, then it would be appropriate for public sector unions to concentrate narrowly on refining representational and bargaining practices.

Unfortunately, this view is unrealistic. Public sector unions cannot act in isolation from the private sector labor movement, for both ideological and practical reasons. Ideologically, all unions are tied together by the objective of securing workers' rights in our society. Practically, there are benefits associated with inter-union collaboration. A stronger labor movement increases the ability of public sector unions to influence public policy and budgetary decisions at all levels of government. Add to this the reality that some of the largest public sector unions have substantial private sector membership (e.g., AFT and SEIU), while a number of private sector unions have large public sector divisions (e.g., CWA and UAW), and it is easy to understand why public sector unions are not resting securely and concentrating solely on methods to increase bargaining effectiveness or to improve labor-management relationships.

The decline of private sector unionization, which was most precipitous in the 1980s, can be traced to a number of mutually reinforcing external factors: globalization, technological innovation, changing labor markets, deregulation of key sectors of the economy, a pro-employer National Labor Relations Board during Republican administrations starting with Reagan, and increasing resistance to unions from the business community. But the slow reaction of labor leaders also played a role as many

unions clung to old methods rather than taking risks with new strategies. Private sector unions eventually recognized that more dramatic transformation was required, and in coordination with the AFL-CIO since the mid 1990s they have taken steps to shift resources to organizing, to ratchet up political action, and to identify new sources of bargaining leverage. While the labor movement's rediscovered vitality is admittedly tenuous, at least there is now hope that private sector unions will begin to recover market share.

There is emerging consensus among public sector union leaders at the national level¹ that the threats they face today are eerily similar to those ignored by private sector unions 20 years ago. Privatization, reinventing government, a changing public sector work force, anti-government forces on Capitol Hill and in statehouses, union myopia, and member apathy all are taken with the utmost seriousness. The situation calls for a sophisticated strategic response. Because they are operating from a position of relative strength, public sector unions must be at the forefront of any effort to re-establish union influence in our society. With this ultimate objective in mind, the following priorities have been embraced by most of the major public sector unions: expand political action, enhance organizing programs, fight privatization, mobilize members in support of the above, and develop a new generation of leaders.

If public sector unions are successful in achieving these priorities, the entire labor movement will benefit. In the next section we present an optimistic scenario that outlines what we see as key ingredients if public sector unions are to prevail. Unfortunately, we are not fully convinced that this formula will be pursued with sufficient vigor to meet the political and economic challenges that threaten unions. Later in the paper we will describe a more pessimistic course of events that could result in gradual contraction of density and influence. Although we concur on the factors that could lead alternatively to success or failure, we differ on the weights we assign to the two scenarios. Co-author Pinnock believes that the evidence supports a positive prognostication, while co-author Hurd is less sanguine and leans towards the forecast of adversity (apropos his training as an economist). We are in agreement, however, on the essential elements of a revitalized labor movement and will conclude the paper with a synopsis of our prescription for productive transformation.

II. The Public Sector: Laboratory for Union Renewal

The current challenges faced by the labor movement are no more dramatic than those encountered at several other crucial junctures over the past century and a half. Late in the 19th century labor was discredited as the Knights of Labor disintegrated, but the American Federation of Labor emerged to provide a solid foundation with its blend of craft and economic unionism. During the Great Depression, when the AFL model seemed out of place in the foundering mass production economy, the Congress of Industrial Organizations captured the imagination of workers with its political brand of industrial unionism. When the Taft-Hartley Act and the Red Scare set labor back after World War II, the AFL and CIO were able to put differences aside and achieve stability in a merged federation.

As the movement faces different threats early in the 21st century, public sector unions are uniquely positioned to turn challenges into opportunities and develop a new model of unionism that will

prepare labor for yet another future. Because political action is essential to public sector unions, they will naturally take the lead in responding to the conservative anti-union agenda. At the same time it will be necessary to reformulate organizing strategies as privatization changes the landscape, disproportionately moving blue-collar work into the private sector. Perhaps the greatest potential for creativity will come in representation as unions experiment with minority unionism, collaborative efforts with other unions and associations, interest-based bargaining, and labor-management partnerships. In political work, organizing and representational activities public sector unions will draw on a diverse membership to build multi-ethnic leadership teams and demonstrate to the broader movement the advantages of an inclusive culture.

The political program of public sector unions will be driven by the quest to promote the value of public service. As Eileen Kirlin, Public Services Division Director for SEIU, explains, "We need a strategy to get more public support; but we can't only talk about jobs but also services to the community." Coalitions with other organizations will be central to this effort; for example, unions might join with parent-teacher organizations in support of public education and with environmental groups in support of government sanitation and recycling programs. Although funding for government services will be a priority, limiting privatization will be at least as important. Political candidates and elected officials who advocate privatization typically rely on a cost-saving rationale, but just beneath the surface rhetoric is an ideology that favors markets and questions the value of public services. Union political activity will necessarily challenge this ideology and oppose those who subscribe to it. At the same time a positive appeal will be crafted that promotes the value of public services and reaches out to political leaders who embrace that appeal. This effort will need to be bi-partisan, as explained by National Education Association President Robert Chase: "Not to work with moderate Republicans would be foolhardy. . . . We work together where we can to avoid stalemate of our agenda." Building on their experience of working with elected officials of both parties, public sector unions will be at the forefront as the labor movement pursues a more independent political course.

At the state and local level, initiatives to extend bargaining rights by law, executive order, or municipal ordinance will be a focal point. Although there will continue to be efforts to promote comprehensive public employee bargaining legislation in the dozen-plus states where they are not already on the books, progress on this front is expected to be slow. However, creative political action at the state and municipal levels will continue to pay dividends. An example is the extension of bargaining rights to home healthcare workers under public sector laws in California and Pennsylvania in response to campaigns by SEIU and AESCME. In California unions first secured legislation in the early 1990s that authorized counties to create authorities to administer home care programs, a step which would essentially transform home-care workers from individual contractors to local government employees. Over the past 10 years the unions have persuaded several populous counties to establish these new agencies, and have won representation elections to represent a majority of the state's 180,000 home-care workers (Stone, 2000).

In addition to extending collective bargaining rights through political activities, public sector unions will increase membership and density through strategic organizing campaigns. Perhaps the most difficult challenges involves "following the work" into the private sector. With the privatization trend

likely to continue at least in the near future, this organizing effort is a necessary priority. In some cases this activity will be pursued by public sector unions directly. For example, in New York State AFSCME is actively organizing private mental health facilities that rely on state funding. In other cases public sector unions will find it advantageous to join with private sector unions (more experienced with the vagaries of the NLRA) in cooperative organizing ventures. It also will be essential to develop strategies to organize contract labor and other contingent employees working side-by-side with union members in government agencies. Public sector union experience in organizing privatized work and contingent workers will set a standard that will inform private sector unions that face outsourcing.

Although organizing will be an important component of the response to privatization, the potential for membership growth is greatest within the public sector itself. Particularly among white-collar employees, organizing campaigns will increasingly rely on the Internet and web-based technologies. Almost all of these workers have computers at their workstations (and at home) and are required to be facile with information technology in order to perform their jobs. Unions like the AFT and the AFGE are intent on using this tool to take the union message to unrepresented workers. The Internet can be used for electronic home visits, providing information, and linking workers directly to union organizers (Toppo, 2000). We expect that experience with electronic organizing in the public sector will soon change the nature of white-collar private sector campaigns as well.

As public sector unions seek opportunities to grow, a key target population will be unrepresented professionals. These workers already account for 37 percent of government jobs (compared to 13 percent in the private sector)² and this share is likely to increase because of technological advances and the privatization of routine clerical and blue-collar tasks. Unions are well aware of the evolving employment patterns and are prepared to organize professionals both by building on past success (43 percent of public sector professionals are union members) and by experimenting with alternative forms of representation. As NTEU Executive Vice President Prank Ferris sees it, "There is a real opportunity to gain a foothold with professional workers. They are more protective of what they have achieved and have a vested interest in their work product."

Professional workers generally hold positive views of professional associations. Public sector unions already operate effectively as associations in states without collective bargaining laws (e.g., the NEA in North Carolina), and often work in alliance with major professional associations such as the National Association of Social Workers and the American Speech, Hearing and Language Association. These experiences will help unions build new models of representation that emphasize professional development and political action rather than contract negotiation (for more on professional associations and unions, see Hurd and Bunge, 2003). Professional-worker organizing and new forms of representation in the government will help alter the image of unions and serve as a catalyst for growth in the private sector, where only six percent of professionals are now union members.

The labor-association model will not be restricted to professionals. For example, locals of the CWA in Mississippi and the SEIU in Georgia represent corrections officers and blue-collar units in state agencies and operate much like typical unions (representing workers in the context of civil service regulations), even though with no collective bargaining law they are relegated to minority status. As

Calvin Money of CWA told us, "Rather than walking away from groups with no bargaining law, we have found that we can support them, represent them, and help them achieve dignity and respect." In this context, the experience of the AFGE is particularly relevant. With minimal union security protection and circumscribed bargaining rights under the law governing federal employee relations, AFGE has demonstrated expertise in operating as a minority union (typically only about one-third of those covered by AFGE contracts are dues-paying members).

Where full bargaining rights exist, public sector unions will move beyond traditional adversarial methods. Public sector workers share a commitment to serve, and along with managers they want to secure and defend the missions of their agencies. This common ground will be fertile for interest-based negotiations and labor-management partnerships. Although deep cooperative relationships are still the exception, starting in the 1990s there has been experimentation at all levels of government with self-directed work teams, labor-management committees, and full partnership (Florio and Abramson, 1996).

New approaches to bargaining will provide the framework for further innovation, such as "evergreen contracts" with no fixed expiration date that can be modified at any time to keep pace with technological change. Negotiations also will become more fluid in other ways, such as by addressing quality-of-work-life issues, the shifting boundaries between work and family life, and telecommuting. As Allyne Beach of the AFL-CIO Working for America Institute suggests, "Decision-making authority is moving to lower levels of organizations. This provides an opportunity to expand the scope of bargaining." As bargaining opens up, there is even potential to address subjects that have been off-limits for years, such as pay and quality-of-work-life in the federal sector.

Experimentation with new forms of representation can thrive only where union leaders with foresight embrace change. In addition, sufficient resources must be allocated to the task, which requires increased attention to efficiency and strategic decision making. This is particularly essential for unions that are simultaneously pursuing expanded organizing and political action agendas. Recently, AFGE National President Bobby Harnage demonstrated the benefits of focusing on strategic direction. Bringing together over 600 AFGE leaders to engage in a four-day session to discuss the union's strategic direction, Harnage privately admitted that the political risk was not insignificant. "In truth," said Harnage, "the meeting was in the hands of the participants. This made the outcome totally out of my immediate control." Fortunately for Harnage, the outcome was one of the high enthusiasm and commitment as AFGE heads into a particularly troubling battle for union rights in the newly established Department of Homeland Security.

In order to facilitate effective organizational change, public sector unions will devote more attention to leadership training and management skills in the context of union values. More effective management, though, will not be sufficient. Public sector unions will need to develop a new cadre of leaders at all levels as experienced unionists who helped build the organizations in the 1960s and 1970s reach retirement age. Although public sector unions have a more diverse set of leaders than their private sector counterparts, the future demands that this diversity be broadened and deepened so that the leadership reflects the membership occupationally, ethnically, and chronologically. Don Wasserman, formerly with AFSCME, points out that, "Because there are more women and minorities in the public

sector, unions should be more effective in bringing diverse leadership up through the ranks." A more representative and younger leadership team will be able to reach out to members to engage them in the life of the union. Aggressive internal organizing should provide an expanding pool of activists who will contribute to the unions' ambitious agenda of organizing and political action, and who will bring energy and creativity to efforts to develop new models of representation.

III. Public Sector Unions: Potential Vulnerability

As public sector unions seek to innovate in political action, organizing, and representation, they will face an environment that is increasingly hostile. The reality is that the labor movement is weaker than it was in 1995 in spite of extraordinary efforts by the AFL-CIO and key national unions to reverse the downward slide. Although public sector unions have been resilient, the foundation of their stability is threatened. The appearance of a consistent public sector density is misleading. During a decade when unions increased political activity, won or expanded bargaining rights for government employees in several states, and greatly increased organizing, there was no effective net payoff. In fact, density actually slipped slightly from 37.7 percent in 1995 to 37.4 percent in 1994. More importantly, as shown in Table 1, the public share of total employment declined from 17.5 percent in 1991 to 15.9 percent in 2001, due to a combination of privatization and budget restraint. In other words, deunionization has been masked as public sector union jobs have been replaced with private sector nonunion jobs. If we adjust density data to account for declining share of employment, the "effective" density is 3.5 points lower than the measured density (a drop of approximately 9 percent).

Table 1
*Public Sector Unions Density
Adjusted for Employment Decline*

Year	Density	Public Employment Share of Total Employment	Adjusted Density ^a
1991	36.9	17.51	36.9
2001	37.4	15.85	33.9

Note: ^aAdjusted density equals actual density times an index of the public sector share of total employment with 1991 as the base year.

Source: Hirsch and McPherson (2002).

The density data raise questions about the future political influence of public sector unions. The fact is that public sector union members account for a slowly shrinking share of the electorate. Combine this with the ongoing decline in private sector unions, and the danger is that political influence will wane over time. Although the improved political operation at the AFL-CIO under the Sweeney administration has breathed life into labor's electoral efforts, this has not translated into major legislative gains. Most "victories" have been defensive, for example stalling fast track trade legislation in Congress and defeating a ballot initiative in California that would have prohibited use of union dues for political activity.

The defeat of Al Gore in the 2000 presidential election was a major blow. Although labor is widely credited for its contribution to his popular vote "success," the end result is that the presidency was captured by George W. Bush, who has been openly hostile both to labor's political agenda generally and to public sector unions specifically. One of President Bush's first administrative decisions was to disband the National Partnership Council, which was established by his predecessor to promote a cooperative relationship with federal unions. More troubling than the specific steps taken by an unfriendly administration, a number of key private sector unions in effect have defected, reaching accommodation with the Bush administration on narrow issues important to their members (Greenhouse, 2001; Murray, 2001). The net result is a labor movement that is less unified and therefore likely to be less effective on the political front.

At the state level unions have suffered setbacks that counterbalance some of the successes mentioned earlier in the paper. Several states have adopted limitations on union political action similar to those defeated in California. Even worse, Oklahoma adopted a right-to-work law in 2001 (*National Journal*, 2001) the first state to take this step since 1985. Overall, then, the political environment is extraordinarily challenging. Both major political parties have moved to the right; the Republican Party is controlled by elected officials who are open about their dislike for unions; and the more moderate Democratic Party has acquiesced especially on such issues as privatization and charter schools.

There are ominous signs on the organizing front as well. Clearly where elected public officials adopt anti-union positions, recruiting new members will not be easy. In addition, the fragmentation within the labor movement that is evident in the political arena is even more pronounced in organizing. Because it is so difficult to organize in the private sector, almost every major national union has been drawn to public sector opportunities. This has contributed to a creeping form of general unionism where jurisdictional boundaries are blurred. In this environment inordinate resources are expended on inter-union rivalry. Furthermore, unions with limited experience in the public sector find themselves providing representational services in an unfamiliar setting where civil service regulations are often more important than contract language.

As public sector unions attempt to follow work into the private sector, they will encounter both a more difficult organizing challenge and unions that will perceive such endeavors as excursions into their territory. There are examples of bilateral arrangements that have resolved jurisdictional problems (for example SEIU and AESCME in California regarding home healthcare workers); there are other cases where the AFL-CIO has mediated potential conflicts in advance (such as Puerto Rico after a public sector bargaining law passed in 1998). But for the most part national unions operate independently and view each other as rivals at least in organizing.

There are also internal hurdles that public sector unions must clear. Members and local leaders are reluctant to follow the work into the private sector. They view the privatized work as competition and must be persuaded that organizing workers who indirectly replaced their co-workers is strategically beneficial to their efforts to stem the privatization trend. Similarly, efforts to organize professional workers around occupational concerns (such as professional development) may meet resistance if these campaigns are interpreted as signaling abandonment of traditional bargaining priorities.

In fact experimentation with new forms of representation may be met with apathy or even hostility. The dearth of activism among rank-and-file unionists that has typified U.S. unions is particularly pronounced in the public sector. Those members who are involved at the local level are often wedded to traditional methods associated with the servicing model of unionism. In states where public sector unions are particularly strong (in 10 states, public sector density exceeds 50 percent), complacency will compound the challenge of mobilizing members. And although public sector unions do have a relatively diverse membership and leadership, most are still headed by older white males. As APWU President Bill Burrus reflected, "Forty years following the civil rights movement and we have three blacks as international presidents and none positioned to replace us." Only the AEGE has an executive board with a majority people of color (8 of 15), and only the AFT has a woman president. With successors groomed by those in power, it is unlikely that diverse and truly representative national leadership will become the norm anytime soon.

IV. 9-11, Corporate Scandals, and the Public Mood

We are writing this assessment on the eve of the first anniversary of the terrorist attacks. The events of the past year have altered the context in which public sector unions operate but the impact is not clear-cut. In the aftermath of 9-11 there is evidence of increased support for public service: images of firefighters and police performing heroic acts and of teachers leading classes of young children away from danger helped elevate appreciation for those who are dedicated to public service. When steps were taken to improve airport security, polls revealed overwhelming support for federalizing the function rather than relying on private security firms, and the U.S. Senate voted 100-0 to make airport screeners federal employees (Woellert, 2001). This general shift in attitudes offers public sector unions hope that they will be able to halt the privatization trend and win support for increased funding of public agencies.

At the same time however, a surge of patriotism elevated the status of the president, and created an environment of acceptance for an increase in executive powers along with a tolerance for abridged civil liberties. President Bush has exercised his influence to the detriment of public sector unions, first issuing an executive order suspending union representation for employees in U.S. Attorneys' offices, and then proposing that legislation to create a Department of Homeland Security include power for the executive branch to suspend civil service regulations and collective bargaining rights for employees of the new department. Combine the president's antipathy with a recession exacerbated by the ripple effects of 9-11, and public sector unions are clearly put on the defensive.

Unions have openly feuded over who should have organizing jurisdiction among federalized airport security guards, with at least five unions staking a claim. Although the AFL-CIO has opposed President Bush's plan to rescind civil service and bargaining rights in Homeland Security, the Carpenters Union offered the president a Labor Day stage to defend this specific part of his proposal (O'Toole, 2002). Perhaps most disappointing, federal legislation that would have established bargaining rights for public safety employees was narrowly defeated in November 2001 (the bill had been in Congress for several years and coincidentally came up for a vote less than two months after the terrorist attacks). Although the timing was ideal given the public mood, public safety unions were almost alone in pushing

the legislation. As one high-ranking elected union official told us, "The AFL-CIO did not rally behind the national public safety bargaining bill. . . . The Firefighters did a great job of pushing the bill but the rest of us did not help enough."

The setting has taken another turn in recent months as the seemingly isolated Enron scandal has blossomed into a corporate phenomenon. The downside for public sector unions has been the financial blow to pension funds. But the impact on public opinion has been unambiguously positive for labor. Heightened distrust for corporate leaders, increasing concern for job and retirement security, and newfound interest in protecting worker rights all potentially translate into increased support for unions. A recent poll conducted by Peter Hart Research found that low grades for employers translates into increased support for unions, with 50 percent of nonunion workers saying that they would vote yes in a representation election, an 8 percent jump from a year earlier. According to the same pool there is strong support (74 percent yes to 14 percent no) for granting employees of the Department of Homeland Security the same job protections and union rights as other federal employees (Hart, 2002).

After weighing the counteracting influences, we conclude that the environment for public sector unions is more positive today than a year ago. The final form of the Homeland Security proposal legislation and the results of the November elections will indicate whether this optimism is warranted. We anticipate that the president's Homeland Security proposal will pass, but with civil service regulations and collective bargaining rights secured. We also expect that a Congress more sympathetic to the concerns of public sector workers will be elected, with parallel improvements in state governments. If we are right, the case for our more positive scenario will be strengthened. If not, the internal and external barriers faced by public sector unions will loom large and a slow downward spiral may commence.

V. Building for the Future

Public sector union leaders need to look inside the movement to build momentum for a dynamic future. The key is to transform internal culture by activating the membership. This requires aggressive efforts to mobilize workers in support of the unions' political, organizing, and representational initiatives. A key aspect will be an effective leadership development program that overcomes inertia and narrowness to build a younger, more diverse team that accurately reflects the members and potential members.

With mobilized membership and effective leadership development as a foundation, leaders with vision and strategic perspective will be in a position to address the substantial challenges they face. They will be able to build a stronger political voice, possibly using the 2002 elections as a springboard. It will be possible to elevate and refine organizing efforts that engage the evolving public sector work force. With a cadre of activists committed to organizing, unions will be poised to follow the work into the private sector. And by tapping the creativity of involved members public sector unions will be able to craft innovative approaches to representation.

The time to act is now. The future of public sector unions may be bright and encouraging, or it may be bleak and dismal. While external events will continue to exert influence on these highly visible

organizations that at their best embody the public spirit, the unions themselves will determine whether they thrive or struggle to survive.

NOTES

¹Many of our observations are based on interviews with national officers and staff of public sector unions. We include several quotes from these interviews in the paper. Contact co-author Hurd for a copy of the interview schedule and a list of those interviewed with affiliation, title, and date.

²Data on occupations and density are either taken directly from Hirsch and Macpherson (2002) or calculated from data provided to by the authors of that reference.

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