

Rick Allen, Chairman
Subcommittee on Health, Employment, Labor, and Pensions
Committee on Education and Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515-6100

December 17, 2025

Re: Union Political Endorsements and Member Accountability (Subcommittee Hearing on “Ensuring Union Leaders Represent Members, Not Agendas”)

Chairman Allen, Ranking Member DeSaulnier, and members of the Subcommittee:

Thank you for the opportunity to speak with you today about this important subject. The Committee is rightly focused on ensuring that labor unions represent their members, not extraneous interests or their own agendas. I’d like to spend my time focusing on one aspect of that problem: the disconnect between union members and their leaders over politics, and how that disconnect plays out when the union endorses political candidates.

Labor law gives unions a lot of power. For example, the law gives unions an exclusive right to represent every employee in a bargaining unit. The union’s bargaining proposals are effectively the employees’ proposals; the employees don’t get to bargain for themselves, and all of them are covered by the resulting contract. That means the union has a lot of power over people’s working lives.

In exchange for that power, the law gives the union a lot of responsibility. The union owes a “duty of fair representation” to every employee it represents. When it bargains, it has to bargain for every employee equally. It has to keep the employees’ interests in mind and take their concerns to heart. It cannot ignore their requests or promote its own interests. It is at the bargaining table only because it represents them; it is supposed to speak with their voice.

The regime Congress created 90 years ago—legal recognition of a union’s status as the exclusive representative of employees—combines the voices of employees into a single designated representative, and that representative has a duty to

respect their views. Their views should drive the union's strategy and inform its demands. The union and the employees should be aligned.

Unfortunately, things don't always work that way. In recent years, unions have been speaking in ways that employees don't like. Most employees say they want their unions to focus on workplace issues. But more and more, unions are instead focusing on politics. They are engaging in partisan debates and endorsing political candidates that do not match the views of their members. And if they keep doing that, they could erode the most important assumption of labor law: that unions work best when they do what their members want them to do.

Divergent Trends: The Political Views of Union Members and the Political Decisions of Union Leadership

The disconnect over politics comes from two long-running trends. The first trend is more political diversity among union members. The second is more political activity by unions leaders.

Political diversity. The first trend has been building for decades. Historically, union households were seen as a reliable bastion of the Democratic base. In the 1960s, six in ten voters in union households identified as Democrats.¹ But more recently, the numbers have tilted the other way. In the 2016 presidential election, only 51% of union-household voters cast their ballots for the Democratic candidate.² That was a nine-point drop from the prior cycle.³ And while the Democratic share ticked back up in 2020 and 2024, underlying voter attitudes continued to shift. In 2020, a roughly equal number of white voters in union households identified as Democrats and Republicans—the first time on record that the parties had reached parity within that group.⁴

Today, the result is more political diversity among union members. To be sure, more members still identify as Democrats than as Republicans. But the balance is closer than ever. In the fall of 2024, about four in ten union members told Pew they

¹ See *White Union Members Grow More Republican*, AEI (March 25, 2024), <https://www.americansurveycenter.org/short-reads/white-union-members-grow-more-republican/>.

² See *How Groups Voted in 2016*, CORNELL UNIV. ROPER CTR., <https://ropercenter.cornell.edu/how-groups-voted-2016> (last visited Oct. 9, 2025).

³ See Sara LaJunesse & Francisco Tutella, *Ask an Expert: American Workers, Labor Unions and the 2024 Presidential Election*, PENN STATE (Sept. 9, 2024), <https://www.psu.edu/news/research/story/ask-expert-american-workers-labor-unions-and-2024-presidential-election> (quoting Prof. Paul Clark).

⁴ See AEI, *supra* note 1.

leaned toward the GOP.⁵ More than four in ten said they planned to vote for the Republican candidate.⁶ And post-election polls showed that they were serious—43% of voters in union households said they'd voted for Donald Trump.⁷

Political activity. The second trend has been building for even longer. Though it's hard to imagine now, a century ago, the American labor movement was avowedly apolitical. Its prevailing doctrine was "voluntarism"—a theory that unions were stronger when they eschewed politics and relied on the voluntary cooperation of their members.⁸ That view was espoused most forcefully by the longtime president of the AFL, Samuel Gompers, who thought that American workers would never support a partisan labor movement.⁹ He thought that workers wanted their unions to represent them in the workplace, not in the statehouse. So he mostly stayed on the political sidelines, engaging with government only when necessary to protect labor's targeted economic interests.¹⁰

That philosophy is hard to recognize in today's unions. Far from avoiding partisan politicking, unions have made politics their primary purpose. Each election cycle, they number among the biggest campaign donors.¹¹ They are a constant

⁵ See Andy Cerdá, *Key Facts About Union Members and the 2024 Election*, PEW RESRCH. CTR. (Oct. 17, 2024), <https://www.pewresearch.org/short-reads/2024/10/17/key-facts-about-union-members-and-the-2024-election/>.

⁶ See *id.*

⁷ See 2024 Fox News Voter Analysis, Fox News, <https://www.foxnews.com/elections/2024/general-results/voter-analysis> (last visited Oct. 9, 2025).

⁸ See, e.g., DEREK C. BOK & JOHN DUNLOP, *LABOR AND THE AMERICAN COMMUNITY* 387 (1970); Alexander T. MacDonald, *Political Unions, Free Speech, and the Death of Voluntarism: Why Exclusive Representation Violates the First Amendment*, 22 GEORGETOWN J.L. & PUB. POL'Y 229, 251 (2024).

⁹ HAROLD C. LIVESAY, *SAMUEL GOMPERS AND ORGANIZED LABOR IN AMERICA* 248 (1978); Samuel Estreicher, *Trade Unionism Under Globalization: The Demise of Voluntarism?*, 54 ST. LOUIS U. L.J. 415, 417 (2010).

¹⁰ See Gary M. Fink, *The Rejection of Voluntarism*, 26 INDUS. & LAB. REL. REV. 805, 805 (1973); Michael Rogin, *Voluntarism: The Political Functions of an Antipolitical Doctrine*, 15 INDUS. & LAB. REL. REV. 521, 530 (1962); Samuel Gompers, *Speech to the AFL National Convention, The American Labor Movement: Its Makeup, Achievements and Aspirations* (1914) [hereinafter Gompers, *The American Labor Movement*], available at https://college.cengage.com/history/wadsworth_978133309888/unprotected/ps/labormvmt.html

¹¹ See Estreicher, *supra* note 9, at 423 n.23 (surveying campaign-donation data). See also *PAC Profile: Service Employees International Union*, OPEN SECRETS, <https://www.opensecrets.org/political-action-committees-pacs/service-employees-international-union/C00004036/summary/2020> (last visited June 6, 2023) (reporting on contribution activity by SEIU's PAC from 2019 to 2020); David J. Saposs, *Voluntarism in the American Labor Movement*, 77 Monthly Lab. Rev. 967, 971 (1954) (noting that major unions no longer form ad hoc committees for each election; they instead maintain "specialized political arms" manned by "experience staffs which function continuously on a professional basis"); Zach Williams et al., *Lefty Groups Like Working Families Party Mobilize Voters to Save Gov. Hochul Amid Zeldin Surge*, N.Y. Post (Oct. 28, 2022), <https://nypost.com/2022/10/28/working-families-party-mobilizes-voters-to-save-hochul/amp/> (reporting that N.Y. State United Teachers Union gave \$500,000 to a PAC supporting Democratic candidate for governor of New York); PHILIP K. HOWARD, *NOT ACCOUNTABLE: RETHINKING THE*

presence in statehouses, where they lobby for pro-union legislation.¹² They also advocate for social issues far removed from the workplace, ranging from climate change¹³ to reproductive rights¹⁴ to foreign policy.¹⁵ They even engage in “common-good bargaining,” where they push to include broader social policies in workplace contracts.¹⁶ In the words of one scholar, they have undergone a “qualitative change”: rather than serving as simple bargaining agents, they are increasingly “political organization[s].”¹⁷

This change may be most visible in how they endorse political candidates. Political endorsements used to be rare: before the 1950s, the American Federation of Labor (AFL) endorsed a presidential candidate only once. And even then, it declined to endorse the party’s full national slate.¹⁸ But starting in 1952, the AFL (and later the AFL-CIO) started to endorse national political candidates routinely.¹⁹ It endorsed Adlai Stevenson in 1952 and again in 1956.²⁰ After that, it routinely—

CONSTITUTIONALITY OF PUBLIC SECTOR UNIONS 20 (2023) (arguing that power of modern unions stems in part from status as one of the largest single political donors).

¹² See U.S. CHAMBER OF COMMERCE, CARTEL BARGAINING, BALLOT INITIATIVES, AND INDUSTRIAL DEMOCRACY”: HOW UNIONS ARE USING GOVERNMENT TO CIRCUMVENT THE NLRA AND END LABOR MARKET COMPETITION 4–5 (2024), <https://www.uschamber.com/assets/documents/USCC-White-Paper-Union-Tactics.pdf>.

¹³ See Climate Change, AFL-CIO, <https://aflcio.org/tags/climate-change> (last visited Oct. 9, 2025).

¹⁴ See Reproductive Rights Are Worker Rights, AFL-CIO, <https://aflcio.org/reproductive-rights> (last visited Oct. 9, 2025).

¹⁵ See AFL-CIO President Calls for New American Foreign Policy Rooted in the Needs of Working People, AFL-CIO (May 19, 2025) (calling for an “immediate ceasefire in Gaza”); UAW Statement on Israel and Palestine, UNITED AUTO WORKERS (Dec. 1, 2023), <https://uaw.org/uaw-statement-israel-palestine/> (same).

¹⁶ See, e.g., What is Bargaining for the Common Good?, RUTGERS SCH. OF MGMT. & LAB. RELS., <https://smlr.rutgers.edu/faculty-research-engagement/center-innovation-worker-organization-ciwo/bargaining-common-good> (last visited Oct. 9, 2025) (“Unions that have the right to bargain use contract fights as an opportunity to organize with community partners around a set of demands that benefit not just the bargaining unit, but also the wider community as a whole.”); BARGAINING FOR THE COMMON GOOD, CONCRETE EXAMPLES OF BARGAINING FOR THE COMMON GOOD (2019), https://smlr.rutgers.edu/sites/default/files/Documents/Centers/CIWO/ciwo_bcg-memo.pdf (listing racial justice, education, immigration, housing and “climate justice” as topics to be addressed at the bargaining table); NAT’L EDUC. ASS’N, BARGAINING FOR THE COMMON GOOD RACIAL JUSTICE GUIDE (2024), https://www.nea.org/sites/default/files/2024-05/bargaining-for-the-common-good-racial-justice-guide_0.pdf (“Effective BCG campaigns require unions to use the bargaining process as a tool to engage members in their dual identities as workers and community members.”).

¹⁷ Estreicher, *supra* note 9, at 418.

¹⁸ See Arthur S. Leonard, *The AFL-CIO’s First National Campaign*, 8 INDUS. & LAB. REL. F. 25, 25 (1972).

¹⁹ *Id.* at 26, 35.

²⁰ *Id.*

some have said “automatically”—endorsed national candidates.²¹ And these candidates invariably came from a single political party, the Democrats.²²

Today, that partisan imbalance is still evident. In the 2024 election cycle, more than 56 national labor organizations endorsed the Democratic candidate for president.²³ Dozens of local and regional unions did the same.²⁴ On the other side, not a single major labor organization endorsed the Republican candidate. The most notable Republican support came from three major unions who chose not to endorse anyone at all. These unions didn’t exactly swing to the Republican camp; a non-endorsement is effectively a declaration of neutrality. But even so, these three unions made national headlines: their decision not to endorse a Democrat was treated as front-page news.²⁵

The result is a growing split within the labor movement. While union members increasingly hold diverse political views, union leadership continues to vote as a block. Again, about forty percent of union members today identify with conservative candidates.²⁶ But still, union leadership almost uniformly endorses progressive ones.²⁷

The Emerging Danger: Political Divides and Labor Peace

This divide isn’t just an interesting social phenomenon; it’s a threat to the American system of labor law. The national labor-law system—in particular, the

²¹ *Id.*

²² See *id.* See also, e.g., Estreicher, *supra* note 9, at 418 (noting close political connection between labor unions and democratic party); J. DAVID GREENSTONE, LABOR IN AMERICAN POLITICS 9–10 (1969) (reporting that in organized labor supplied nearly a fourth of Democratic funding while supplying almost nothing to Republicans and is now a “valued and integral part of the Democrats’ normal campaign apparatus”).

²³ See Exhibit A.

²⁴ See *id.*

²⁵ See Press Release, Teamsters: No Endorsement for U.S. President, Int’l Brotherhood of Teamsters (Sept. 2024), <https://teamster.org/2024/09/teamsters-no-endorsement-for-u-s-president/>. See also Nick Niedzwiedek, Firefighters Union Declines to Issue Presidential Endorsement, POLITICO (Oct. 3, 2024), <https://www.politico.com/news/2024/10/03/fire-fighters-union-declines-presidential-endorsement-00182372?nid=0000014f-704c-d54c-a1ff-fb6da68f0000&nid=630384&nname=massachusetts-playbook&nrid=0000014c-2419-d9dd-a5ec-34bd4d3d0001>; Nick Niedzwiedek, Unions to Democrats: Don’t Blame Us for Tuesday’s Losses, POLITICO (Nov. 6, 2024), <https://www.politico.com/news/2024/11/06/harris-democrats-union-harris-votes-00187943> (noting that the International Longshoremen’s Association also declined to endorse a candidate).

²⁶ See PEW RSRCH. CTR., *supra* note 5.

²⁷ See Exhibit A.

Labor Management Reporting and Disclosure Act (LRMDA)—assumes that when employees choose a union, the union will represent their interests. That's why the law gives a union broad powers to make decisions on the employees' behalf.²⁸ But when the union's and the employees' interests are misaligned, that assumption breaks down. Employees can no longer rely on their union to carry their message. And the resulting distrust could drive more of them to resolve their grievances away from the bargaining table—for example, by walking off the job.

The assumptions of labor law. Since the 1930s, American labor law has operated by majority rule.²⁹ Workers choose a union either by casting ballots or by signing cards. Either way, the union becomes their representative only when it has support from more than half the workers.³⁰ But once it becomes their representative, its status is “exclusive”: it has a legal monopoly to bargain for all employees in the bargaining unit.³¹

In exchange for that monopoly, the union owes each employee a duty of loyalty—what's often called the “duty of fair representation.”³² This duty requires the union to treat all workers fairly and make decisions in their interests.³³ And it owes that duty even when it's not at the bargaining table: it must represent employees fairly in its all workplace activities.³⁴

That duty, however, does not extend to the union's activities in the political sphere. The union has no legal duty to represent its members fairly in politics. It can spend money, promote issues, and endorse candidates—even if those activities clash with the views of its members. The union not only doesn't have to consider its members' views; it doesn't even have to find out what those views are. It can

²⁸ See *Steele v. Louisville & N.R. Co.*, 323 U.S. 192, 200 (1944) (“Congress has seen fit to clothe the bargaining representative with powers comparable to those possessed by a legislative body both to create and restrict the rights of those whom it represents.”).

²⁹ JOHN T. DUNLOP, *LABOR IN THE TWENTIETH CENTURY* 36 (1978) (observing that exclusivity became a “basic element” of labor law with passage of the NLRA in 1935).

³⁰ See *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 595–96 (1969) (describing paths to recognition or certification); 29 C.F.R. § 102.69 (providing for secret-ballot election overseen by NLRB).

³¹ See 29 U.S.C. § 159(a); *Emporium Capwell Co. v. W. Addition Cnty. Org.*, 420 U.S. 50, 68–69 (1975); *J.I. Case Co. v. NLRB*, 321 U.S. 332, 338 (1944).

³² See *Steele*, 323 U.S. at 201; *Ford Motor Co. v. Huffman*, 345 U.S. 330, 337–38 (1953).

³³ See *Air Line Pilots Ass'n, Int'l v. O'Neill*, 499 U.S. 65, 74 (1991); *Vaca v. Sipes*, 386 U.S. 171, 182 (1967).

³⁴ See *Humphrey v. Moore*, 375 U.S. 335, 342 (1964).

endorse candidates without so much as consulting the people it supposedly represents. In politics, the union has free rein.³⁵

Predictably, that situation doesn't sit well with potential members. According to at least one survey, the biggest reason people decide not to join a union is the union's political entanglements.³⁶ Potential members say that they want their union to focus exclusively on the workplace.³⁷ They aren't interested in joining a union to engage in politics. They still say they like unions in general, and many say they would consider joining one under the right circumstances.³⁸ But increasingly, they also say they don't align with the labor movement's political bent.

This misalignment isn't a problem only for unions; it's a problem for the whole system. The system is designed to channel labor disputes into peaceful negotiations.³⁹ When people are unhappy at work, they can settle their differences by joining a union and bargaining collectively. But when people are repelled by the union's political agenda, they may decide to vent their frustrations in other ways. They may resort to "self-help" methods, such as picketing, protesting, or walking off the job. In other words, they may create the kind of disruption that labor law was supposed to prevent.⁴⁰

A Modest Solution: Aligning Incentives by Promoting Accountability

That outcome is not inevitable. Congress could take simple, common-sense steps to realign the interests of union members and their leaders. Once such solution is before the committee now. The Endorsement Transparency Act would require a

³⁵ See Daniel Kishi, *Organized Labor's Democracy Deficit*, Am. COMPASS (July 23, 2025), <https://americancompass.org/organized-labors-democratic-deficit/> (pointing to the gap in coverage of the duty of fair representation).

³⁶ See AM. COMPASS, NOT WHAT THEY BARGAINED FOR: WORKER ATTITUDES ABOUT ORGANIZED LABOR IN AMERICA 1 (2021), https://americancompass.org/wp-content/uploads/2022/10/AC_Labor-Survey_Final2.pdf.

³⁷ *Id.*

³⁸ See *id.* (reporting that 35% of respondents who don't belong to a union would consider joining one); *Labor Union Approval Rating Relatively Steady in U.S.*, GALLUP (Aug. 28, 2025), <https://news.gallup.com/poll/694472/labor-union-approval-relatively-steady.aspx>.

³⁹ See 29 U.S.C. § 151 (describing federal policy of promoting collective bargaining to ensure labor peace); NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1, 41 – 42 (1937) (explaining that original NLRA was enacted mainly to reduce "industrial strife").

⁴⁰ See *Jones & Laughlin*, 301 U.S. at 42 ("Experience has abundantly shown that the right of employees to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace."). Cf. Kishi, *supra* note [] ("[T]he reality of the twenty-first century labor movement is that many unions have recast their role as political actors first and workplace representatives second, to the detriment of both their organizing efforts and their ability to represent workers effectively.")

union, before endorsing a U.S. presidential candidate, to poll its members. The bill would also require the union to tell its members about the results. Together, those requirements would give the union an incentive to listen to the members views. The union would know how its members felt about any given candidate. And if the union decided to endorse the candidate against their wishes, it would feel pressure to explain why.

That change would dovetail with well-accepted principles of labor law. Again, labor law conditions a union's authority on the members' consent. The union gains a legal right to represent workers only when a majority choose to have a union. And once the union has their support, it must use its authority to advance their interests. The law currently requires it to do that only in the workplace; but there's no reason it couldn't require the union to do the same in the statehouse. In both forums, the union is speaking for its members. So in both, it should keep their views front and center.

The bill would also respect longstanding principles of free speech. For decades, courts have recognized that the First Amendment protects a worker's right to avoid funding political speech. In *Machinists v. Street*,⁴¹ the Supreme Court held that workers covered by the Railway Labor Act couldn't be forced to fund their union's nonbargaining, ideological activities. And in *Communication Workers of America v. Beck*,⁴² the Court applied the same rule under the NLRA. Though both decisions were technically about how to interpret the statutes, the Court also leaned on constitutional principles. It reasoned that if one of these statutes allowed a union to extract money from its members to fund political activity, there would be serious constitutional questions. After all, people have a right not to endorse political causes they disagree with. And they do not surrender that right at the union-hall door.⁴³

The same rationale applies to political endorsements. When a union endorses a political candidate, it doesn't speak just for itself; it speaks for the members who stand behind it. The union's endorsement carries weight only because it represents

⁴¹ 367 U.S. at 768.

⁴² 487 U.S. 735, 751 (1988).

⁴³ See *Janus v. AFSCME*, 138 S. Ct. 2448, 2486 (2018).

the collective voice of its members.⁴⁴ So its endorsements implicate the members' speech no less than its other political activities.⁴⁵

To be sure, the union also has a speech interest when it chooses among candidates. But nothing in the bill would interfere with that choice. The union could still endorse anyone it wanted. It would not have to take—or refrain from taking—any position on any candidate or party. It would only have to tell its members about its plan to endorse a U.S. presidential candidate and ask for the members' views. This “poll and inform” approach would not only leave the union free to speak, but also enhance the speech of its members. And ultimately, it’s the members’ speech that matters most: the union’s rights are largely derivative, as the union exists only to do what the members want it to do.⁴⁶

That point is important to keep front of mind: the union is the agent of its members. It stands in the same relation to its members as any person hired to perform a service. And people hired to perform a service often have to consider the views of the person who hired them. Every telemarketer delivers the company’s marketing pitch. Every lawyer articulates the client’s argument. And when they do that, they’re speaking as agents for another person, not for themselves. The union is no different, even when it is endorsing candidates. It is still representing members and should still keep their views front and center.⁴⁷

In short, the bill would take a modest step toward addressing a growing problem. It would help realign the interests of unions and their members. It would also fit neatly with existing principles of labor and free-speech law. It is a solid proposal that deserves the committee’s own endorsement.

⁴⁴ See *Unions Begin with You*, AFL-CIO, <https://aflcio.org/what-unions-do> (last visited Oct. 9, 2025) (describing a union as individuals who accomplish their goals “by speaking up together”); *Building Power for Working People*, AFL-CIO, <https://aflcio.org/what-unions-do/empower-workers> (“A union is you and your co-workers coming together to make improvements at your workplace.”).

⁴⁵ See Alexander T. MacDonald, *Union Membership is Now Political. So Can the Government Still Require People to Associate with a Union?*, FEDERALIST SOCIETY (July 8, 2024), <https://fedsoc.org/commentary/fedsoc-blog/union-membership-is-now-political-so-can-the-government-still-require-people-to-associate-with-a-union> (describing First Amendment implications of exclusive representation given union shift toward political activity).

⁴⁶ See 29 U.S.C. § 157 (extending statutory rights to “employees,” not to labor organizations as such). Cf. *Davenport v. Wash. Educ. Ass’n*, 551 U.S. 177, 185 (2007) (Scalia, J.) (“[U]nions have no constitutional entitlement to the fees of nonmember-employees.”).

⁴⁷ See *Connick v. Myers*, 461 U.S. 138, 147 (1983) (holding that public employee had no First Amendment right to speak his own views when he was speaking in the course of his employment duties).

Sincerely,

**/s/ Alexander T.
MacDonald**

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