LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

8TH ASSEMBLY, 63RD SESSION

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PLEASE QUOTE

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GOVERNMENT OF THE NORTHWEST TERRITORIES
CANADA

Yellowknife, N.W.T.
X1A 2L9

July 19, 1977

COMMISSIONER

"Right to Work" Legislation

As requested in your letter of March 22, 1977, the attached report on "Right to Work" Legislation was compiled by Professor Gall of the University of Alberta.

I would appreciate an indication of whether you would like it to be submitted to Council, either as an Information Item or as a Sessional Paper.

P. F. de Vos,
Clerk Assistant.

Attach.

File: Mr. Nickerson's Office

Yellowknife, N.W.T.
X1A 2L9
MAR 22 1977

Professor Gerald J. Gall,
Faculty of Law,
University of Alberta,
Edmonton, Alberta.

Dear Professor Gall:

I am pleased to confirm the arrangements made between yourself and Mr. Dave Nickerson by telephone on the 17th March 1977.

It is requested that you prepare for the use of members of the Northwest Territories Legislative Assembly a brief paper dealing with "Right to Work" legislation. It is expected that the paper, which of course must be absolutely non-partisan, would be about three pages in length, would summarize what "Right to Work" legislation is all about, where it has been adopted and possibly what the effect of it has been and would briefly summarize the arguments for and against.

The Legislative Assembly reconvenes on the 9th May 1977 and it would be appreciated if you could have the paper ready by that time. Enclosed are a couple of "information items" on unrelated subjects to give you some idea of what members might expect.

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I would like to thank you at this time for undertaking this task and I am sure the Members of the Legislative Assembly will be appreciative of your efforts.

Yours sincerely,

S. M. Hodgson,
Commissioner.

Enclosure

NICKERSON/rdms

TABLED DOCUMENT

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A REPORT

ON

"RIGHT TO WORK" LEGISLATION

- compiled by
Professor Gall
University of Alberta

"Right to Work" Legislation

1. What is it?

In enacting labour law, legislators have attempted to balance two competing concerns. These are the notions of union security, on one hand, and the "right to work" without union affiliation, on the other. These two notions represent the extreme poles along a continuum and most legislative formulae fall somewhere along the spectrum in between these two extremes. Provision for union security, in the extreme, would be manifested by laws sanctioning the notion of the closed shop, under which membership in a trade union is a mandatory condition of employment. The notion of "right to work", at the other extreme, would be manifested by laws entirely prohibiting discrimination in employment on the basis of union membership. There are, however, many variations of "right to work" legislation, with the most restrictive formula totally excluding all forms of compulsory union affiliation, including affiliation through the instrumentalities of the hiring hall, union shop, agency shop, etc.

2. Where is it? What kinds of provisions are covered by existing legislation in various jurisdictions?

While there is, essentially, no "right to work" legislation in Canada, all provinces, except Prince Edward Island and Newfoundland, have legislated union security provisions in their respective statutes. In addition, most collective agreements

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contain further provisions of this nature. The Province of Ontario does, however, have a "right to work" provision in its Labour Relations Act, but it is of narrow and limited application. Attached please find Appendix I setting out that Ontario provision.

With the exception of the above provision the notion of "right to work" has not been implemented in Canadian law. However, there is "right to work" legislation in other jurisdictions, particularly in the United States. Before entertaining a discussion of the United States legislation, it is interesting to note that the West German Constitution provides for both the right to belong and the right not to belong to a union. The same is true in Great Britain under the provisions contained in the Industrial Relations Act. There is also some Swiss jurisprudence in this area. For example, in one 1925 case, compulsory union membership, under threat of losing one's position, was outlawed. In a 1949 case, the Court took the view that while it is unlawful to hire only union men, it is permissible to employ union members and those willing to pay dues. Compulsory unionism exists in Saskatchewan, New Zealand and Ghana. An absolute prohibition on compulsory unionism exists in Denmark and Belgium. At any rate, the main precedent upon which to rely is that of the American experience.

In the United States, as a result of the enactment in 1947 of the Labor-Management Relations Act, the so-called Taft-Hartley Act, certain amendments were effected to the existing National Labour Relations Act. Essentially, the Taft-Hartley Act is in the nature of a limited "right to work" law. It makes illegal the corcept of the closed shop and provides that discrimination in employment on the basis of union affiliation is an unfair labour practice. However, as indicated above, the Taft-Hartley Act is only a limited "right to work"law in that it does permit certain arrangements directed at providing union security. In particular, under the Act, union shops, agency shops, and hiring-hall arrangements are all permissible. The "union shop" describes the situation in which an employee may be compelled to join a union as a condition of employment, however, he can only be compelled to do so on or after the expiration of 30 days from his employment, or the effective date of the union shop agreement,

whichever is later. An "agency shop" describes the situation in which an employee, although not compelled to join a union to gain employment, must nonetheless pay an amount of money equivalent to union dues. This addresses itself to one of the difficult problems that has arisen in respect of limited union security legislation, where the law does not provide for a closed shop. The problem is what to do with "free riders" or non-union members. In Canada, as a result of a decision of Mr. Justice Rand in the Supreme Court of Canada, it was held that since non-union members of a plant benefit from wage increases and improved working conditions negotiated by union members of a plant, it would not be equitable to expect the dues-paying union members to shoulder the financial burden alone. The so-called Rand formula provides that these non-union members must pay an amount equivalent to the dues paid by union members, although they remain non-members of the union. Essentially, the Canadian Rand formula describes the agency shop arrangement. The hiring-hall is in the nature of an agreement between an employer and a union under which the union agrees to serve as a source of new employees. Such an agreement is lawful provided that neither the company nor the union give union members preference over non-union members, in selecting personnel from the hiring-hall. In addition the "checkoff" (an agreement between an employer and a union under which the employer deducts union dues from the employees' pay cheques and remits them directly to the union) is lawful provided, among other things, it is authorized in writing by an employee.

In short, it can be seen that the Taft-Hartley Act abrogates from the concept of union security and promotes the "right to work" inasmuch as it abolishes the closed shop. However, there are various instrumentalities, described above, which are permissible under the Act and which advance the notion of union security.

Constitutionally, the Taft-Hartley Act applies only to those enterprises which are engaged in inter-state commerce. One might think, at first glance, that the Act is therefore of narrow application. However, the opposite is true. Under the U.S. Constitution, the federal commerce power has an extremely wide application and virtually every industry, trade, or business

falls under the provisions of the Taft-Hartley Act. If that is the case, the question then arises as to what the state role is in respect of legislation of this nature. That role is defined by reference to Section 14(b) of the Taft-Hartley Act.

That controversial section allows a state, if it so wishes, to enact its own "right to work" legislation. And, if the state does so, only the state "right to work" law and not the federal Taft-Hartley Act will govern "right to work" in that particular state.

Various states, particularly in the south, have what might be described as an "anti-union" tradition and, as such, have enacted "right to work" laws. In particular, as of 1976, 20 states have done so. They are as follows: Alabama, Arizona, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. In addition, further states have enacted "right to work" legislation in respect of employees in the public sector.

Please find attached, as Appendix II to this paper. photocopies of the operative provisions contained in the "right to work" statutes of a selected number of the jurisdictions mentioned above (Alabama, Arizona, Louisiana, North Carolina, South Carolina, and Texas.) Also please find attached an excerpt from an article in the Nebraska Law Review which provides an interesting and useful (although perhaps dated) summary.

The most important characteristic of the various models of state legislation is that these laws, much more so than the Taft-Hartley Act, undermine the concept of union security and advance the notion of "right to work". In other words, those states which regard the union security provisions in the federal Taft-Hartley Act as being too permissive in nature, have enacted, pursuant to their authority to do so under Section 14(b) of Taft-Hartley Act, far more restrictive "right to work" laws at their respective state levels. Those laws are more restrictive than the Taft-Hartley Act in two ways. First, the reader will recall that, under the Taft-Hartley Act, although the closed shop is outlawed, various devices or instrumentalities of union security are allowed. Those devices include the use of a hiring-hall, the notion of an agency shop, and the notion of the union shop, subject to certain qualifications.

The state laws are more restrictive than the federal Act for reason that in addition to abolishing the closed shop, the above devices of union security are not permitted in some states. The "right to work" laws obviously differ from state to state. In some states, for example, union shop agreements of any kind are prohibited. Some states do not allow agency shop agreements. Some states do not allow either of these.[1] In short, each state decides to what extent it wishes to abrogate from the concept of union security and advance the notion of "right to work". The result is that some states have enacted laws which are very restrictive in nature in order to advance the notion of "right to work".

More specifically, some states simply say that the right of persons to work shall not be denied or abridged due to membership or non-membership in any labour organization (Florida, for example). Most states declare agreements in conflict with that policy unlawful (Georgia, for example). Some states prohibit "combinations" or "conspiracies" that deprive persons of employment because of non-membership in a union (Alabama, for example). Some states prohibit strikes or picketing for the purpose of inducing an illegal agreement (Arizona, for example). Some states prohibit "conspiracies" to cause the discharge or denial of employment to an individual by way of inducing other persons to refuse to work with him because he is a non-member.

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1 However, it appears that state legislatures, under their authority to enact "right to work" laws pursuant to Section 14(b) of Taft-Hartley Act, cannot legislate to prohibit hiring-hall arrangements. Similarly, a non-discriminatory service fee charged to non-members and limited to either a pro-rata share of the actual cost of bargaining services (a general service fee) or the actual cost of particular services rendered, such as the handling of a grievance or hiring-hall administration (a special fee) is probably beyond the scope of state legislative authority.

Some states proscribe the requirement of membership in or "affiliation with" a labour organization as a condition of employment (Arkansas, for example). Many states expressly prohibit a requirement that an individual pay "dues, fees, or other charges of any kind to a union as a condition of employment (Utah, for example). Several states contain a prohibition against compelling a person to join a union or to strike against his will by threats or actual interference with his person, family, or property (Arizona, for example). In short, many "right to work" laws go beyond a simple prohibition against making union membership a condition of employment.

There is a second significant difference between the federal Taft-Hartley Act and the various state "right to work" laws. This relates to the broader remedies available in the event of a violation of a state law. Most states provide for injunctive remedies (Iowa, for example). Moreover, most states provide for damages for persons injured as a result of a violation (Mississippi, for example). Some states make violations, misdemeanors subject to criminal penalties (South Dakota, for example). These remedies are stricter than a violation of the federal Act.

Interestingly, there is considerable controversy in the United States at present over Section 14(b) of Taft-Hartley Act under which the state laws depend for their validity. President Carter, in his presidential campaign made a pledge to repeal Section 14(b) of the Taft-Hartley Act. In addition, Labor Secretary Ray Marshall, recently stated he wanted an amendment to the Taft-Hartley Act to allow agency shops in "right to work" states. A repeal of Section 14(b) would have the effect that the various state laws would no longer apply and the only law in force in respect of "right to work" would be the provisions contained in the Taft-Hartley Act. The result of this would, of course, be a greater protection of "union security" and a move away from the concept of "right to work" as embodied in the various state laws at present.

3. The arguments in favour of and against "Right to Work" Legislation

(a) Arguments in favour

The first argument in favour relates to the protection of individual freedom. In this connection, one might consider the four-fold categorization of civil liberties in Canada set out by Professor W.S. Tarnopolsky in his treatise The Canadian Bill of Rights. That classification scheme includes one category referred to as the "economic civil liberties". And under that category, once could presumably subsume the "right to work" without union affiliation. It has been suggested that an employee compelled to join a labour union, becomes subject to strong union pressure, including possible "manipulation" by union "bosses".

Secondly, it has also been suggested that an employee should join a particular union only if that union has exhibited, in the past, merit. The implication here is that a union should have to sell itself to the prospective employee. The fear is that where there exists compulsory membership as a condition of employment, the union does not have to sell itself to the prospective employee, the result of which might be apathy on the part of the union in representing its members.

Another argument in favour of "right to work" legislation is the suggestion that compulsory unionism discourages a co-operative relationship between employees and management. For example, in continental Europe, co-operation between employees and management has resulted in a diminished need for union security. In West Germany, where the Constitution provides for both the right to belong and not to belong to a union, there is considerable co-operation between employees and management. Indeed employees serve on the boards of large corporations with the result that there exists an atmosphere of co-operation and a diminished need for union security.

(b) The arguments against

The most obvious argument against such legislation is that relating to the advantages arising out of union security. Unions believe that control over employees is essential in order to ensure greater job security and to provide economic and other benefits for union members. Unions feel that only through the uniform co-operation of all employees can pressure best be exerted on management in order to gain these benefits. As such, "right to work" laws are often regarded as being in the nature of "union busting", an attempt to keep wages low and productivity high, and therefore profits high, in a so-called "sweat shop" environment.

Even the terminology "right to work", it is argued, is deceptive for it guarantees no one the right of employment.

One writer suggests that capitalism and industrial society, in the context of liberal democracy, have produced great pressures from workers for some kind of job security. Also, the same writer looks at employment, both theoretically and practically. Theoretically (and legally) employment is contractual in nature. Each individual employee is bound to his employer by a contract of employment which, presumably, was entered into freely, after a process of negotiation and bargaining and is freely terminable by either party. However, practically speaking, and contractual consideration aside, employees do not regard themselves as possessing a proprietory interest in their jobs. However, a proprietory interest in employment (or at least a perception of such an interest) is gained through a process of collective bargaining. In other words, the device of collective bargaining has transferred control over incumbancy of employment from employers to employees.

Another writer suggests that the central issue in the "right to work" controversy relates to the problem of equalizing the bargaining power. It is argued that one should consider "right to work" legislation in terms of the inter-relationship between unions, management, and the individual employee. Any adjustment in the status of one upsets the equilibrium of the whole and any evaluation of the advisability of "right to work" legislation should not ignore this three-way inter-dependence.

Finally, the same writer suggests that proposals to increase the power of the individual, employees in the labour market are built on the "illusory" premise that a worker is able to exert substantial bargaining power as an individual. This, he maintains, is not reflected in the reality of the marketplace. The "right to work", as an individual freedom, is derived from power, and power, in the labour market, is achieved through collective action.

4. Miscellaneous

Please find attached, as Appendix III to this paper, materials recently received as a result of correspondence between myself and the National Right to Work Legal Defense Foundation.

"Right to Work" Legislation

APPENDIX I

Ontario

The Labour Relations Act

S. 38

(g) has refused to pay initiation fees, dues or other assessments to the trade union which are unreasonable. 1970, c. 85, s. 13 (1).

Where subs. 2 does not apply

(3) Subsection 2 does not apply to an employee who has engaged in unlawful activity against the trade union mentioned in clause *a* of subsection 1 or an officer, official or agent thereof or whose activity against the trade union or on behalf of another trade union has been instigated or procured by his employer or any person acting on his employer's behalf or whose employer or a person acting on his employer's behalf has participated in such activity or contributed financial or other support to the employee in respect of such activity. R.S.O. 1960, c. 202, s. 35 (3).

Union security provision in first agreement

(4) A trade union and the employer of the employees concerned shall not enter into a collective agreement that includes provisions requiring, as a condition of employment, membership in the trade union that is a party to or is bound by the agreement unless the trade union has established at the time it entered into the agreement that not less than 65 per cent of the employees in the bargaining unit were members of the trade union, but this subsection does not apply,

(a) where the trade union has been certified as the bargaining agent of the employees of the employer in the bargaining unit; or

(b) where the trade union has been a party to or bound by a collective agreement with the employer for at least one year; or

(c) where the employer becomes a member of an employers' organization that has entered into a collective agreement with the trade union or council of trade unions containing such a provision and agrees with the trade union or council of trade unions to be bound by such agreement; or

(d) where the employer and his employees in the bargaining unit are engaged in the construction, alteration, decoration, repair or demolition of a building, structure, road, sewer, water or gas main, pipe line, tunnel, bridge, canal, or other work at the site thereof. R.S.O. 1960, c. 202, s. 35 (4); 1970, c. 85, s. 13 (2).

Continuation of permissive provisions

(5) Notwithstanding anything in this Act, where the parties to a collective agreement have included in it any of the provisions permitted by subsection 1, any of such provisions may be continued in effect during the period when the parties are bargaining with a view to the renewal, with or without modifications, of such agreement or to the making of a new agreement.

"Right to Work" Legislation

APPENDIX II

Alabama

§ 375. (3525) **False affidavit; penalty for making.**—Any person who makes a false affidavit, when an affidavit is required under this article, is guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than five dollars nor more than twenty dollars, and for second or subsequent conviction, shall be imprisoned not more than sixty days. (1919, p. 867.)

Cited in Ward v. State Farm Mutual Auto. Ins. Co., 241 F. (2d) 134.

ARTICLE 4.

RIGHT TO WORK.

Sec.
375(1). Declaration of policy.
375(2). Denial of right to work on account of membership or nonmembership in union illegal.
375(3). Employers may not require union membership.
375(4). Employers may not require employees to refrain from membership.
375(5). Employer may not require payment of union dues.
375(6). Employee's suit against employer for violation of certain sections.
375(7). Article not applicable to contracts already in effect.

§ 375(1). **Declaration of policy.**—It is hereby declared to be the public policy of Alabama that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization. (1953, p. 535. § 1, appvd. Aug. 28, 1953.)

Cited in Head v. Local Union No. 63, 262 Ala. 84, 77 So. (2d) 363.

Am. Jur. and ALR references.—31 Am. Jur., Labor, § 3.

Due process of law: provision forbidding making membership in labor organization a condition to employment. 6 ALR2d 492.

§ 375(2). **Denial of right to work on account of membership or nonmembership in union illegal.**—Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy. (1953, p. 536. § 2. appvd. Aug. 28, 1953.)

§ 375(3). **Employers may not require union membership.**—No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment. (1953, p. 536. § 3. appvd. Aug. 28, 1953.)

§ 375(4). **Employers may not require employees to refrain from membership.**—No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment. (1953, p. 536. § 4, appvd. Aug. 28, 1953.)

§ 375(5). **Employer may not require payment of union dues.**—No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any

kind to any labor union or labor organization. (1953, p. 536, § 5, appvd. Aug. 28, 1953.)

§ 375(6). Employee's suit against employer for violation of certain sections.—Any person who may be denied employment or be deprived of continuation of his employment in violation of sections 375(3), 375(4) or 375(5) or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment. (1953, p. 536, § 6, appvd. Aug. 28, 1953.)

Cited in Head v. Local Union No. 83, 262 Ala. 84, 77 So. (2d) 363.

§ 375(7). Article not applicable to contracts already in effect.—The provisions of this article shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of an existing contract. (1953, p. 536, § 7, appvd. Aug. 28, 1953.)

Applied in Head v. Local Union No. 83, 262 Ala. 84, 77 So. (2d) 363.

Arizona

CHAPTER 8

LABOR RELATIONS

ARTICLE 1. RIGHT TO WORK

ARTICLE 1. RIGHT TO WORK

§ 23-1301. Definitions

In this article, unless the context otherwise requires:

1. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in

part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

2. "Person" includes a natural person, a corporation, association, company, firm or labor organization.

Historical Note

Source:

§§ 1, 8, Ch. 81, L. '47; 56-1301, 56-1308, C. '39, Supp. '52, comb'd.

Reviser's Note:

This section is a referendum measure. The effective date of the measure was November 22, 1948. See Laws 1949, Initiative and Referendum Measures, pp. 320-322.

Cross References

Denial of employment because of nonmembership in labor organization, see Const. art. 25.
Labor Management Relations Act, see 29 U.S.C.A. § 141 et seq.
Labor organization defined, discrimination in employment, see § 41-1461.
Person defined, discrimination in employment, see § 41-1461.
Picketing and secondary boycott provisions, see § 23-1321.

Notes of Decisions

1. In general

In considering picketing and the right of freedom of speech, the right must be evaluated in relation to the rights of the employer, the employees and the rights of the picketing organization and in relation to the declared policy of the state. International Broth. of Carpenters and Joiners of America, Local No. 857 v. Todd L. Storms Const. Co. (1958) 84 Ariz. 120, 324 P.2d 1002.

The right to assemble and function through labor organizations is a concomitant of the civil right of assembly guaranteed by A.R.S.Const. art. 2, § 5. American Federation of Labor v. American Sash & Door Co. (1948) 67 Ariz. 20, 189 P.2d 912, affirmed 69 S.Ct. 258, 335 U.S. 538, 93 L.Ed. 222, 6 A.L.R.2d 481.

§ 23-1302. Prohibition of agreements denying employment because of nonmembership in labor organization

No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual, or association of any kind enter into an agreement, written or oral, which excludes a person from employment or continuation of employment because of nonmembership in a labor organization.

Historical Note

Source:

§ 2, Ch. 81, L. '47; 56-1302, C. '39, Supp. '52.

Reviser's Note:

For a further source of this section, see reviser's note to § 23-1301.

engage in peaceful assembly and peaceful picketing or as requiring an employee to continue rendering labor or service without his consent.

History and Source of Law

Source:
Acts 1915, Ex.Sess., No. 24, §§ 14, 15.

Law Review Commentaries

Jurisdiction to enjoin peaceful picketing. 16 La.L.Rev. 310 (June 1956).

Right to Work Act, restraint of peaceful picketing. 16 La.L.Rev. 187 (Dec. 1955).

PART IV. AGRICULTURAL LABORERS' RIGHT TO WORK LAW

R.S. 23:881 through 23:888, derived from Acts 1954, No. 252, and heretofore appearing under Part IV of this Chapter, were repealed by Acts 1956, No. 16, § 1 and by Acts 1956, No. 397, § 11.

On the authority of R.S. 24:253, the Part, and the Section numbers 23:881 through 23:889 have been assigned to the provisions of Acts 1956, No. 397, §§ 1-9 as set out herein.

Library References

Labor Relations ⊂=251 et seq.
C.J.S. Master and Servant § 28(40) et seq.

§ 881. Definition

As used in this Part, the term "agricultural laborers" means only those persons employed in the ginning processing cotton seed and compressing of cotton, the irrigation, harvesting, drying and milling of rice, the sowing, tending, reaping or harvesting of crops, livestock, or other agricultural products on farms and plantations or those persons employed in the processing of raw sugar cane into brown sugar where such persons or their employees are not directly connected or concerned with any operation to further process such cane; except that those persons working for the raisers of such cane may process sugar beyond the brown sugar stage for such raisers and still remain within the definition of agricultural laborers but except as provided above, such term does not include persons employed in mills, plants, factories, wholesale or retail sales outlets, or otherwise in the transportation, storage, preparation, processing or sale of such crops, livestock or produce, except for transportation by the grower of rice from the field to the mill, or initial storage warehouse, for transporta-

tion of cotton by the grower from the field to the gin, or for transportation of sugar cane by the grower from the field to the mill at which the cane is to be initially processed, and for the transportation of cotton seed from the gin to the mill. Acts 1956, No. 397, § 1.

History and Source of Law

Former R.S. 23:881 through 23:888, which were derived from Acts 1954, No. 252, and related to the right to work, were repealed by Acts 1956, No. 16, § 1, and by Acts 1956, No. 397, § 11.

Title of Act:

An Act to declare the public policy of this State relative to agricultural laborers' membership or non-membership in a labor organization as affecting the right to work; to define certain terms as used in this Act; to declare unlawful certain acts, conduct, agreements, understandings, practices or combinations which are contrary to public policy; to prevent and declare illegal and against public policy any agreement, understanding or practice whereby any agricultural laborer is denied the right to work because of non-membership in a labor organization or whereby union membership is made a condition of employment or continuation of employment of or for any agricultural laborer, or under which a labor organization acquires an employment monopoly of agricultural laborers; to prevent and declare illegal any agreement, understanding or practice designed to cause or require or having the effect of causing or requiring any employer, whether or not a party thereto, to violate any provision of this Act; to prevent and declare illegal any conduct, a purpose or effect of which is to cause a violation of this Act; to prevent and declare illegal any requirement by an employer whereby membership or non-membership of agricultural laborers in a labor organization, or the payment of dues, fees or any other charges by such agricultural laborers to a labor organization is made a condition of employment or continuation of employment of such persons; to authorize the recovery of actual damages for violations of the provisions of this Act; to authorize injunctive relief from violations or threatened violations of this Act; to provide that this Act shall not be construed to deny or abridge the right of agricultural laborers to bargain collectively; to provide for the applicability of this Act to contracts entered into after the effective date hereof and to any renewal or extension of existing contracts occurring thereafter; to provide for the severability of the provisions of this Act; and to repeal all laws or parts of laws inconsistent or in conflict herewith. Acts 1956, No. 397.

Notes of Decisions

Library references

Labor Relations ⊂=2, 7.
C.J.S. Master and Servant § 14 et seq.

1. Construction and application

Supreme Court could not reconsider its ruling that certain provision of proposed bargaining agreement violated Right to Work Law (former R.S. 23:881-23:888, derived from Acts 1954, No. 252), where Right to Work Law was repealed and question would become moot before any decree rendered could become final. Mirabeau Food Store v. Amalgamated Meat Cutters and Butchers' Workmen of North America, Local Union No. 437, 1956, 230 La. 921, 89 So.2d 392.

2. Picketing

Peaceful picketing by union members was not violative of Right to Work Law merely because employer had replaced them as employees with non-union men. Mirabeau Food Store v. Amalgamated Meat Cutters and Butchers' Workmen of North America, Local Union No. 437, 1956, 230 La. 921, 89 So.2d 392.

North Carolina

APPENDIX A

North Carolina Right-to-Work Law

Following is the text of the North Carolina Right-to-Work Law. It has been upheld both by the Supreme Court of North Carolina and by the Supreme Court of the United States.

AN ACT

AN ACT TO PROTECT THE RIGHT TO WORK AND TO DECLARE THE PUBLIC POLICY OF NORTH CAROLINA WITH RESPECT TO MEMBERSHIP OR NON-MEMBERSHIP IN LABOR ORGANIZATIONS AS AFFECTING THE RIGHT TO WORK; TO MAKE UNLAWFUL AND TO PROHIBIT CONTRACTS OR COMBINATIONS WHICH REQUIRE MEMBERSHIP IN LABOR UNIONS, ORGANIZATIONS OR ASSOCIATIONS AS A CONDITION OF EMPLOYMENT; TO PROVIDE THAT MEMBERSHIP IN OR PAYMENT OF MONEY TO ANY LABOR ORGANIZATION OR ASSOCIATION SHALL NOT BE NECESSARY FOR EMPLOYMENT OR FOR CONTINUATION OF EMPLOYMENT AND TO AUTHORIZE SUITS FOR DAMAGES.

The General Assembly of North Carolina do enact:

Section 1. The right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. It is hereby declared to be the public policy of North Carolina that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization or association.

Section 2. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer,

or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against the public policy and an illegal combination or conspiracy in restraint of trade or commerce in the State of North Carolina.

Section 3. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Section 4. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Section 5. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of any kind to any labor union or labor organization.

Section 6. Any person who may be denied employment or be deprived of continuation of his employment in violation of Sections 3, 4, and 5 or of one or more of such Sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this State such damages as he may have sustained by reason of such denial or deprivation of employment.

Section 7. The provisions of this Act shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of any existing contract.

Section 8. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, and the application thereof to other person or circumstances, but shall be confined to the part thereof directly involved in the controversy in which such judgment shall

be rendered and to the person or circumstance involved.

Section 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its ratification.

South Carolina

68-59. (1952 Code § 40-42; 1942 Code § 7035-92; 1936 (39) 1716; 1941 (42) 369.)

§ 40-43. Acceptance of act of Congress.—The provisions of the act of Congress mentioned in § 40-41, as amended, are hereby accepted by this State, in conformity with § 4 of said act and this State will observe and comply with the requirements thereof. The South Carolina Employment Security Commission is hereby designated and constituted the agency of this State for the purposes of said act. (1952 Code § 40-43; 1942 Code § 7035-92; 1936 (39) 1716; 1941 (42) 369.)

§ 40-44. Agreements with municipal subdivisions, etc.—For the purpose of establishing and maintaining free public employment offices the division may enter into agreement with any political subdivision of this State or with any private nonprofit organization and as a part of any such agreement the Commission may accept moneys, services or quarters as a contribution to the unemployment compensation administration fund. (1952 Code § 40-44; 1942 Code § 7035-92; 1936 (39) 1716; 1941 (42) 369.)

CHAPTER 3.

RIGHT TO WORK.

§ 40-46. Denial of right to work for membership or nonmembership in labor organization against public policy.—It is hereby declared to be the public policy of this State that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization. (1954 (48) 1692.)

Evils to which chapter directed. — The evils to which the legislative intent and the remedial purpose of this chapter were directed are (1) union control of employment on the one hand; and (2) employer boycott of, or insistence upon, union labor on the other. Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

Chapter imposes limitation on employer's freedom to hire and fire.—The employer's freedom to hire and fire the employee at its pleasure is subject to the limitation, under this chapter, that neither the hiring or the firing may be grounded or conditioned upon union membership or nonmembership, referral or nonreferral, approval or nonapproval. Brabham v.

Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

This chapter was clearly intended to preserve the right of laboring men to employment notwithstanding closed shop agreements entered into between employers and labor unions, not to confer upon labor unions the right to recover damages from employers because of unfair labor practices. Friendly Society of Engravers & Sketchmakers v. Calico Engraving Co., 238 F. (2d) 521 (1956), cert. denied 353 U. S. 935, 77 S. Ct. 810, 1 L. Ed. (2d) 758 (1957).

And cannot give labor union right to damages for unfair practices within Federal jurisdiction.—If this chapter be construed as attempting to confer the right to recover damages from employers because of unfair labor practices upon labor unions, it is clear that the attempt must fail in cases where exclusive jurisdiction with respect to the conduct involved has been vested by Congress in the National Labor Relations Board. Friendly Society of Engravers & Sketchmakers v. Calico Engraving Co., 238 F. (2d) 521 (1956), cert. denied 352 U. S. 870, 77 S. Ct. 95, 1 L. Ed. (2d) 76 (1957).

It must yield to Federal statute regulating interstate commerce.—The South Carolina Right to Work statute would have to yield to a Federal statute regulating interstate commerce which authorized a union shop agreement between an express company engaged in interstate commerce and a labor brotherhood. Sams v. Brotherhood of Ry. & Steamship Clerks, 238 F. (2d) 263 (1956).

§ 40-46.1. Agreement between employer and labor organization denying nonmembers right to work, etc., unlawful.—Any agreement or combination between any employer and any labor organization whereby persons not members of such labor organizations shall be denied the right to work for such employer or whereby such membership is made a condition of employment, or of continuance of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy, unlawful and an illegal combination or conspiracy. (1954 (48) 1692.)

Freedom of contract is subordinate to public policy, and where the legislative intent to declare an act unlawful is apparent from consideration of this chapter, it matters not that the prohibition of the act is not declared in specific language; for an act that violates the general policy and spirit of this chapter is no less within its condemnation than one that is in literal conflict with its terms. Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

There is no distinction between an agreement to hire only through the union and one to hire only such persons as have been cleared through or referred or approved by it. In either case the employment monopoly forbidden by this section would be assured. Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

Hence agreement requiring membership in good standing in union violates section.—An agreement whereby membership in good standing in the union is required as a condition to employment or continued employment by the employer, thus conditioning employment or continuance of employment upon clearance through and referral by the defendant union, is in violation of this section. Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

§ 40-46.2. Certain acts required of employee as condition of employment or continuance of employment made unlawful.—It shall be unlawful for any employer:

(1) To require any employee, as a condition of employment, or of continuance of employment, to be or become or remain a member or affiliate of any labor organization or agency;

(2) To require any employee, as a condition of employment, or of con-

tinuance of employment, to abstain or refrain from membership in any labor organization; or

(3) To require any employee, as a condition of employment, or of continuance of employment, to pay any fees, dues, assessments or other charges or sums of money whatsoever to any person or organization. (1954 (48) 1692.)

Cross reference. — As to discrimination by employers against union members, see § 40-453.

Quoted in Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

§ 40-46.3. Deduction of labor organization membership dues from wages.—Nothing in this chapter shall preclude any employer from deducting from the wages of the employees and paying over to any labor organization, or its authorized representative, membership dues in a labor organization; *provided*, that the employer has received from each employee on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of any applicable collective agreement or assignment, whichever occurs sooner. (1954 (48) 1692.)

§ 40-46.4. Labor organization contract violating § 40-46.1 or 40-46.2. —It shall be unlawful for any labor organization to enter into or seek to effect any agreement, contract or arrangement with any employer declared to be unlawful by § 40-46.1 or 40-46.2. (1954 (48) 1692.)

Quoted in Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

§ 40-46.5. Applicability of §§ 40-46.1 to 40-46.3.—The provisions of §§ 40-46.1 to 40-46.3 shall not apply to any contract, otherwise lawful, in force and effect on March 19 1954, but they shall apply to all contracts thereafter concluded and to any renewal or extension of existing contracts. (1954 (48) 1692.)

§ 40-46.6. Interference with right to work, compelling labor organization membership, picketing, etc., made unlawful.—It shall be unlawful for any person, acting alone or in concert with one or more persons:

(1) By force, intimidation, violence or threats thereof, or violent or insulting language, directed against the person or property, or any member of the family of any person (a) to interfere, or attempt to interfere, with such person in the exercise of his right to work, to pursue or engage in, any lawful vocation or business activity, to enter or leave any place of his employment, or to receive, ship or deliver materials, goods or services not prohibited by law or (b) to compel or attempt to compel any person to join, or support, or refrain from joining or supporting any labor organization; or

(2) To engage in picketing by force or violence or in such number or manner as to obstruct or interfere, or constitute a threat to obstruct or interfere, with (a) free ingress to, and egress from, any place of employ-

ment or (b) free use of roads, streets, highways, sidewalks, railways or other public ways of travel, transportation or conveyance.

Nothing in this section shall be construed so as to prohibit peaceful picketing permissible under the National Labor-Management Relations Act of 1947 and the Constitution of the United States. (1954 (48) 1692.)

§ 40-46.7. Penalties.—Any employer, labor organization or other person whomsoever who shall violate any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment for not less than ten nor more than thirty days or by a fine of not less than ten nor more than one thousand dollars or by both in the discretion of the court. (1954 (48) 1692.)

Quoted in Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

§ 40-46.8. Remedy for violation of rights; relief court may grant.—Any person whose rights are adversely affected by any contract, agreement, assemblage or other act or thing done or threatened to be done and declared to be unlawful or prohibited by this chapter shall have the right to apply to any court having general equity jurisdiction for appropriate relief. The court, in any such proceeding, may grant and issue such restraining, and other, orders as may be appropriate, including an injunction restraining and enjoining the performance, continuance, maintenance or commission of any such contract, agreement, assemblage, act or thing, and may determine and award, as justice may require, any actual damages, costs and attorneys' fees which have been sustained or incurred by any party to the action, and, in the discretion of the court or jury, punitive damages in addition to the actual damages. The provisions of this section are cumulative and are in addition to all other remedies now or hereafter provided by law. (1954 (48) 1692.)

Quoted in Brabham v. Miller Electric Co., 237 S. C. 540, 118 S. E. (2d) 167 (1961).

Art. 5154g. Strikes and picketing regulated and prohibited; elections; injunction

Public policy declared; right to work not to be denied or abridged for union membership or non-membership

Section 1. It is hereby declared to be the public policy of the State of Texas that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization and that in the exercise of such rights all persons shall be free from threats, force, intimidation or coercion.

Striking or picketing to coerce employer to bargain with employee groups representing minority of employees

Sec. 2. It shall be a violation of the rights set forth in Section 1 for any person or persons, or associations of persons, or any labor union or labor organization, or the members or agents thereof, acting singly or in concert with others, to establish, call maintain, participate in, aid or abet any strike or picketing, an object of which is to urge, compel, force or coerce any employer to recognize or bargain with, or any employee or group of employees to join or select as their representative, any labor union or labor organization which is not in fact the representative of a majority of the employees of an employer or, if the employer operates two or more separate and distinct places of business, is not in fact the representative of a majority of such employees at the place or places of business subjected to such strike or picketing.

Election by employees to determine bargaining agency; authority of judge to order; procedure; employees eligible to vote

Sec. 3. In any proceeding or suit that may be instituted under the provisions of Section 2 hereof, the trial judge, prior to final hearing thereon, is hereby authorized to order an election, by the employees of the employer subjected to strike or picketing, for the purpose of determining whether a labor union or labor organization is in fact the representative of a majority of the employees of said employer, and any such election shall be held, within twenty (20) days after the institution of such proceeding or suit, by a disinterested master appointed by the trial judge, under rules and procedures prescribed by the trial judge, which shall provide that the employer and the said labor union or labor organization may each have one representative present at the voting place or places as an observer, such representatives to be approved by the trial judge, and the voting of such election shall be by secret ballot. The ballots used in all elections under this Act shall be on plain white paper through which printing or writing cannot be read, shall be uniform in size, and shall not be numbered nor have attached in any manner any form of stub nor shall the person using said ballot be required to sign the same. Employment lists will be checked and no employees shall be allowed to vote more

than once. Each ballot shall be initialed by the judge before being presented to the voter. All employees of the employer at the time of the commencement of the strike or picketing complained of shall be eligible to vote in any such election except employees who have since quit or been discharged for cause, which shall not include the participation in the strike or picketing complained of, and have not been rehired or reinstated prior to the date of the election; provided, however, that permanent replacements of employees on strike shall be eligible to vote in any such election.

Liability for damages for violations; injunction

Sec. 4. Any person, organization or association who violates any of the provisions of this Act shall be liable to the person suffering therefrom for all resulting damages, and the person subjected to strike or picketing in violation of this Act is given right of action to redress such wrong or damage, including injunctive relief, and the District Courts of this State shall grant injunctive relief when a violation of this Act is made to appear.

Injunction suits

Sec. 5. The State of Texas, through its Attorney General or any District or County Attorney, may institute suit in the District Court to enjoin any person or persons, association of persons, labor union or labor organization from violating any provision of this Act.

Application for assignment of judge to hear proceedings

Sec. 6. Any party to any suit or cause of action arising under this Act may make, within two (2) days after notice of the institution of said cause, application to the Presiding Judge of the Administrative Judicial District within which the suit is filed who shall immediately assign a District Judge from within said Administrative Judicial District who shall then hear all proceedings in the cause. Acts 1955, 54th Leg., p. 1029, ch. 387.

Notes of Decisions

"Agency Shop" clause 2
Construction and application 1

Library references

Labor Relations ⚖210-217, 251-305, 791-1032.
C.J.S. Injunctions §§ 136-149.
C.J.S. Master and Servant §§ 28(1S), 28 (20-42).

Forms with practice commentaries, see Stayton Texas Forms, §§ 3125, 3127, 3128, 3129, 3130, 3131, 3132, 3133.

1. Construction and application

"Right-to-work" statutes manifest intent to protect employees in exercise of right of free choice of joining or not joining a union. Lunsford v. City of Bryan (1957) 156 T. 520, 297 S.W.2d 115.

Under statute prohibiting denial of employment by reason of union membership, the reason in mind of employer and not the exact status of employee should govern. Id.

A motion by defendants for appointment of substitute judge in corporation's suit to recover damages for and enjoin alleged unlawful labor practices, was governed by subd. 17a of art. 1995, authorizing application for appointment of substitute judge in suit to enjoin unlawful strikes or picketing within five days after notice of institution thereof, not section 6 of art. 5154g, requiring such application within two days after notice of institution of suit so that filing of defendants' motion four days after

filing of suit was timely. San Antonio General Drivers, Helpers Local No. 657 v. Thornton (1957) 156 T. 641, 299 S.W.2d 911.

Member of labor unions was entitled to maintain suit against the unions on the ground that they refused to allow him to go to work on a construction job, since he was asserting a property right. Borden v. United Ass'n of Journeymen and Apprentices (1958) 316 S.W.2d 458, affirmed 160 T. 203, 328 S.W.2d 739.

Under right to work law provision, and within its limitations, public employees may become members of labor union. Dallas Independent School Dist. v. American Federation of State, County and Municipal Emp., Local Union No. 1442 (Civ.App. 1960) 330 S.W.2d 702, ref. n. r. e.

In art. 5154c preserving right of public employees to present grievances concerning their wages, hours of work or conditions of work individually or through a "representative" not claiming right to strike, quoted word was used instead of "labor union" or "labor organization" so as to afford wider choice of agency to public employees; and labor unions not claiming right to strike were comprehended by statute. Id.

2. "Agency Shop" clause

The "Agency Shop" clause in a contract between a labor union and management violates Vernon's Ann.Civ.St. arts. 5154a, § 8a, 5207a, § 2 and 5154g, § 1. Op.Atty. Gen.1961, WW-[illegible].

Texas

contempt of court and may be fined not exceeding one hundred dollars, and may be attached and imprisoned in jail until he shall make a full statement of all facts within his knowledge with reference to the matter inquired about. Id.

Library references: Labor Relations ⇐1056; Witnesses ⇐21; C.J.S. Master and Servant § 635; C.J.S. Witnesses § 27.

Art. 5205. [603] Immunity of witness

Any person so summoned and examined shall not be liable to prosecution for any violation of any provision of this chapter about which he may testify fully and without reserve. Id.

Library references: Labor Relations ⇐1056; Witnesses ⇐27(1-14); C.J.S. Master and Servant § 638; C.J.S. Witnesses § 431.

Art. 5206. [604] Statement of cause of discharge

Any written statement of cause of discharge, if true, when made by such agent, company or corporation, shall never be used as the cause for an action for libel, either civil or criminal, against the agent, company or corporation so furnishing same. Id.

Library references: Libel and Slander ⇐44(3); C.J.S. Libel and Slander § 107.

Art. 5207. [2475–2476] Detectives

Any person, corporation, or firm who shall employ any armed force of detectives, or other persons not residents of this State, in the State of Texas, shall be liable to pay to the State as a penalty not less than twenty-five nor more than one thousand dollars, to be recovered before any court of competent jurisdiction in this State. Nothing herein shall be construed to deprive any person, firm or corporation of the right of self-defense, or defense of the property of said person, firm, or corporation by such lawful means as may be necessary to such defense. Acts 1893, p. 159; G.L., vol. 10, p. 589.

Library references: Labor Relations ⇐1056; C.J.S. Master and Servant § 633.

Art. 5207a. Right to bargain freely not to be denied; membership in labor union

Section 1. The inherent right of a person to work and bargain freely with his employer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by law, or by any organization of whatever nature.

Sec. 2. No person shall be denied employment on account of membership or nonmembership in a labor union.

Sec. 3. Any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union, shall be null and void and against public policy. The provisions of this Section

Note 1

shall not apply to any contract or contracts heretofore executed but shall apply to any renewal or extension of any existing contract and to any new agreement or contract executed after the effective date of this Act.

Sec. 4. Definitions. By the term "labor union" as used in this Act shall mean every association, group, union, lodge, local, branch or subordinate organization of any union of working men, incorporated or unincorporated, organized and existing for the purpose of protecting themselves and improving their working conditions, wages, or employment relationships in any manner, but shall not include associations or organizations not commonly regarded as labor unions.

Sec. 5. If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstances, shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act and the application thereof, but shall be confined in its operation to the portion of the Act directly involved in the controversy in which judgment shall have been rendered and to the person or circumstances involved. Acts 1947, 50th Leg., p. 107, ch. 74.

Cross References

Arbitration and award, see art. 230 et seq.
Labor organizations liability act, see art. 5154b.
Labor picketing act, see art. 5154d.
Labor secondary strikes and boycotts act, see art. 5154f.
Labor union dues check-off law, see art. 5154e.

Historical Note

Title of Act:

An Act providing that the inherent right of a person to work and bargain freely with his employer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by law, or by any organization of whatever nature; that no person shall be denied employment because of membership or nonmembership in a labor union; providing that certain types of contracts shall be void and that this Act shall not apply to existing contracts; definitions of words; containing a saving clause with respect to constitutional invalidity; and declaring an emergency. Acts 1947, 50th Leg., p. 107, ch. 74.

Notes of Decisions

Bargaining 4
Constitutionality 1
Construction and application 2
Injunction 5
Law governing 6
Membership in union 3
Union shop 7
Validity 1

1. Validity

This article providing that no person shall be denied employment on account of membership of nonmembership in a labor union and that any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union shall be null and void, is constitutional. Construction and General Labor Union, Local No. 688 v. Stephenson (1950) 148 T. 434, 225 S.W.2d 958.

This article is constitutional. Local Union No. 324, Intern. Broth. of Elec. Workers, A. F. L. v. Upshur-Rural Elec. Co-op. Corp. (Civ.App.1953) 261 S.W.2d 454.

Library references

Labor Relations ⇐171-224.
C.J.S. Master and Servant § 28(29-42).

Forms with practice commentaries, see Stayton Texas Forms, §§ 3122, 3123, 3125, 3127, 3128.

2. Construction and application

The effect of this article is to make the "closed shop" in Texas illegal and against public policy. Local Union No. 524, Intern. Broth. of Elec. Workers, A. F. L. v. Upshur-Rural Elec. Co-op. Corp. (Civ.App.1953) 261 S.W.2d 484.

District court should have sustained plea of employers to jurisdiction of suit against them by an international union to require them to reinstate former employees allegedly discharged because of union membership, since the National Labor Relations Board had exclusive jurisdiction of the dispute. Leiter Mfg. Co. v. International Ladies' Garment Workers' Union, AFL (Civ.App.1954) 269 S.W.2d 460.

"Right-to-work" statutes manifest intent to protect employees in exercise of right of free choice of joining or not joining a union. Lunsford v. City of Bryan (1957) 156 T. 520, 297 S.W.2d 115.

Under statute prohibiting denial of employment by reason of union membership, the reason in mind of employer and not the exact status of employee should govern. Id.

A contract between an association of general contractors and an association of trades councils providing that the members of the contractor's association shall not subcontract work unless the subcontractor shall observe the minimum wage scales and work classifications provided in said contracts, violates art. 7426, § 1, art. 7428, § 3, and art. 5207a, and either the Attorney General or the County Attorney, under the direction of the Attorney General, may sue to recover the penalties for violations of the above articles as provided in arts. 5199 and 7436. Op.Atty.Gen.1957, S-224.

The "Agency Shop" clause in a contract between a labor union and management violates Vernon's Ann.Civ.St. arts. 5154a, § 8a, 5207a, § 2 and 5154g § 1. Op.Atty.Gen. 1961, WW-1018.

3. Membership in union

Where there was a substantial basis in the record for the trial court to conclude that the immediate purpose of picketing was to compel employer to discriminate in favor of union members and against nonunion men in hiring his employees contrary to this article injunction against peaceful picketing for such purpose was proper. Construction and General Labor Union, Local No. 688 v. Stephenson (1950) 148 T. 434, 225 S.W.2d 958.

Where collective bargaining contract provided that the Union should furnish employer his employees but, if it was not able to furnish all needed, then the employer could obtain employees from other sources, provided that employees secured from other sources should comply with requirements of membership of the Union, provision called for a closed shop arrangement, which was invalid, and the employer had the right to refuse to sign the contract as long as it contained provision. Sheet Metal Workers Local No. 175 v. Walker (Civ.App. 1951) 240 S.W.2d 688, error refused.

Effect of this article making it unlawful for any person to be denied employment on account of membership or nonmembership in labor union is to make closed shop illegal and against public policy. Texas State Federation of Labor v. Brown & Root (Civ.App.1952) 246 S.W.2d 935, ref. n. r. e.

Dallas ordinance prohibiting the formation of unions among city officials and employees is invalid as in conflict with the general law. Beverly v. City of Dallas (Civ.App.1957) 292 S.W.2d 172, ref. n. r. e.

One who had paid union charter fee, signed membership application and been elected to temporary local office in a group seeking union charter, was within section 4 of art. 5154e and section 2 of this article prohibiting denial of employment on account of "membership" in union. Lunsford v. City of Bryan (1957) 156 T. 520, 297 S.W. 2d 115.

Employees have the right to organize and bargain with their employer. Flenoy v. Yarbrough (Civ.App.1955) 315 S.W.2d 15, ref. n. r. e.

4. Bargaining

Where firemen of a municipality were discharged by the city commission for disobeying an order of the commission, the discharge did not, in any way, interfere with the inherent right of the firemen to work and bargain freely with their employer. Pruitt v. Lubbock, Civil Service Commission (Civ.App.1951) 237 S.W.2d 682, error refused.

Section 1 of this article providing that inherent right of a person to bargain with his employer, individually or collectively for terms and conditions of his employment, shall not be denied or infringed by law, or by any organization, does not create a duty on an employer to bargain with his employees, nor can an employer, under such statute, be compelled to bargain with his employees, either individually or collectively. Flenoy v. Yarbrough (Civ.App. 1955) 315 S.W.2d 15, ref. n. r. e.

5. Injunction

Since neither penalties nor remedial procedure is provided in this article relating to one's right to work, injunctive power of courts may protect against invasion of rights granted thereby, but applicant must show himself entitled to equitable relief by bringing himself within requirements of art. 4642 et seq. Local Union No. 524, Intern. Broth. of Elec. Workers, A. F. L. v. Upshur-Rural Elec. Co-op. Corp. (Civ. App.1953) 261 S.W.2d 484.

Where purpose of picketing is to compel the discharge of all nonunion employees

on a project and employment of only a union member thereon, a purpose contrary to the public policy of Texas, picketing for that purpose could be enjoined. Cain, Brogden & Cain, Inc. v. Local Union No. 17, Intern. Broth. of Teamsters, Chauffeurs, Warehousemen and Helpers (1956) 155 T. 361, 285 S.W.2d 942.

Injunction against picketing of contractor's work site by union members seeking to require subcontractors to employ only union labor was not a violation of a constitutional right of free speech notwithstanding the dispute was solely between union members and subcontractors. Id.

Where former custodian and union brought suit against school district claiming custodian was improperly discharged because of union's activities and former custodian's testimony in another lawsuit, and on hearing for temporary restraining order, trial court determined that employee was discharged from employment solely because of his membership in union and testimony in another lawsuit, and entered temporary order restoring him to his former employment with school district, trial court determined ultimate issues of fact against district at preliminary hearing and granted substantially all the relief former custodian sought in trial on merits, and hence issuance of temporary injunction was improper since it went *far beyond mere maintenance* of status quo. Dallas Independent School Dist. v. Daniel (Civ.App.1960) 323 S.W.2d 639, ref. n. r. e.

6. Law governing

Provisions of Federal Railway Labor Act permitting interstate carriers and labor organizations to enter into union shop agreements, notwithstanding any other federal or state statute, are valid and controlling in the field of labor relations between unions and railroads operating in interstate commerce and such provisions supersede any state legislation in the same field contrary to Federal Act. International Ass'n of Machinists v. Sandsberry (Civ.App.1955) 277 S.W.2d 776, affirmed 156 T. 340, 295 S.W.2d 412, certiorari denied 77 S.Ct. 669, 353 U.S. 918, 1 L.Ed.2d 665.

A suit by member of labor unions against the unions for refusing to allow the member to go to work on a construction job was a tort action for damages and was not dismissible on the ground that the National Labor Relations Board had jurisdiction. Borden v. United Ass'n of Journeymen and Apprentices (Civ.App.1958) 316 S.W.2d 456, affirmed 160 T. 203, 328 S.W.2d 739.

7. Union shop

Supreme Court was bound by decision of the United States Supreme Court as to constitutionality of union shop amendment to Railway Labor Act. Sandsberry v. International Ass'n of Machinists (1956) 156 T. 340, 295 S.W.2d 412, certiorari denied 77 S.Ct. 669, 353 U.S. 918, 1 L.Ed.2d 665.

Right to Work Statutes Compared
(typical model)

Since public policy is the major argument in justification of "right to work" laws and against any great degree of union security, it is logical enough that a separate statement of policy should appear in a number of these statutes. North Carolina's is typical:

> The right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. It is hereby declared to be the public policy of North Carolina that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization or association.[166]

Whether there is a separate policy preamble or not, all but two[167] states embody the primary objective of the law in a specific clause prohibiting the closed shop as such, and limiting the other varieties of union preference which tend to promote union security. Alabama's prohibitory clause is as follows:

> Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for such employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.[168]

It is such a clause which reveals most clearly the objective of the whole "right to work" movement—in its most extreme form, to outlaw the closed shop, union shop and preferential shop, and to revive the doctrine of criminal and/or civil conspiracy with reference to labor activity aimed at the promotion of these security devices. That the courts in several of these states have recognized and accepted this as a valid legislative objective is indicated in the review of adjudication in the following part of this paper.

Several states seek further to implement this prohibition—and in some instances to strike somewhat of a balance at the same time—by adding one or more clauses forbidding employers either to require or to prohibit union membership, and to prevent automatic or compulsory dues deductions or checkoffs. The Arkansas law, which covers these in a single clause, illustrates the general tenor of the provisions:

> No person shall be denied employment because of membership in, or affiliation with, a labor union; nor shall any person be denied employment because of failure or refusal to join a labor union;

[166] Cf. note 8 supra.

[167] Florida and North Carolina.

[168] Cf. note 8 supra.

> nor shall any person, unless he shall voluntarily consent in writing to so do, be compelled to pay dues, or any other monetary consideration to any labor organization as a prerequisite to, or condition of, or continuance of, employment.[169]

The next series of clauses are divided generally between the states which appear to have placed a primary emphasis upon the civil liability (Alabama, Arizona, Mississippi, Nevada, South Carolina, Utah, Virginia) and those which have primarily emphasized the criminal liability (Arkansas, Iowa, Nebraska, South Dakota) to be incurred by violation of the law. Four states (South Carolina, Tennessee, Utah, Virginia) have provided both civil and criminal remedies, and three others (Georgia, North Carolina, Texas) appear to give primary emphasis to civil liability,[170] while one (North Dakota) has no specific preference. (Florida, the remaining state of the group, has no enabling act to supplement its constitutional provision on the "right to work.")

Of the civil liability statutes, Alabama's clause on damages is typical:

> Any person who may be denied employment or be deprived of continuation of his employment in violation of [the prohibitory section of the act] shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate actions in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.[171]

How effective this provision may prove is at present only speculative; no direct reliance on this clause has been had in any of the cases arising under these laws to date. It seems unlikely, given the present temper of the courts of these states as demonstrated in cases already considered adjudicating other labor statutes of the said states, that they will be inclined to find the clause faulty for vagueness—a criticism which might suggest itself to an impartial or hostile observer. Particularly those states which have affirmed, by case law or statute or both, the suability of unincorporated labor unions seem likely to find this clause enforceable.

Adding force to this clause is a supplementary clause in certain of the statutes, invalidating contracts which violate the law. Thus Utah provides:

> Any express or implied agreement, understanding or practice which is designed to cause or require, or has the effect of causing or requiring, any employer or labor union, labor organization or

[169] Cf. note 8 supra.

[170] Cf. N.C. Code § 95-83 (Recompiled 1950).

[171] Cf. note 8 supra.

> any other type of association, whether or not a party thereto, to violate any provision of this Act is hereby declared an illegal agreement, understanding or practice and contrary to public policy.[172]

Most of the states have either this type of a prohibition or a related clause providing that union security contracts in force at the time of the law's adoption, which might be found to be in conflict with it, are to contain no such conflicting provisions after the expiration of their current terms.

The eight states placing primary emphasis on criminal liability under the statute provide either for charging the parties with a misdemeanor (Iowa, Utah) or a fine which varies in amount, viz.: Nebraska and Tennessee, $100 to $500; Virginia, any amount up to $500; South Dakota, any amount up to $300; South Carolina, $10 to $1000; Arkansas, $100 to $5000.

Other provisions are peculiar to individual states, or are designed to supplement the major provisions set forth in the foregoing paragraphs.

V. ADJUDICATION OF THE "RIGHT TO WORK" STATUTES

Because of the relative recency of the "right to work" statutes, as well as the fact that in the *Lincoln Federal Union*, *American Sash Co.* and *Hanson* cases the major questions of constitutionality have already been carried to the highest court and there definitively reviewed, there is as yet no extensive body of case law footnoting these statutes. Their constitutionality, with the exception of the field reserved to the Railway Labor Act, has been consistently upheld,[173] and the state courts have been particularly fervent in the exposition of the essentially humanistic principles they believed the laws sought to effectuate. Thus Justice Seawell of the North Carolina Supreme Court was as eloquent in his affirmation of the law as the high courts of Arizona and Nebraska had been: where the latter had emphasized the weight to be given to the sovereign action of the electorate in ratifying the respective constitutional amendments in those states, the North Carolina jurist pointed to the fact that so many states had legislated on this subject as a sign of the "wave of the future." After an extensive review of

[172] Cf. note 8 supra.

[173] Hudson v. Atlantic Coast Lines, 36 L.R.R.M. 2761 (1955); International Ass'n of Machinists v. Sandsberry, 277 S.W.2d 776 (Tex. Civ. App. 1954); In re Florida East Coast RR. Co., 201 F.2d 325 (5th Cir. 1953); Finney v. Hawkins, 189 Va. 878, 54 S.E.2d 872 (1949).

"Right to Work" Legislation

APPENDIX III

National Right to Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

May 11, 1977

Mr. Gerald L. Gall
Assistant Professor of Law
Law Center
University of Alberta
Edmonton, Canada T6G 2H5

Dear Professor Gall:

The letter you recently addressed to our sister organization, the National Right to Work Legal Defense Foundation, has been referred to us, inasmuch as it deals exclusively with litigation.

We're pleased to have the opportunity to furnish you information pertinent to the current status of the Right to Work movement in this country. As the attached printed material illustrates, prohibitions against the forced unionization of private sector employees now exist in 20 states. Thirty-two states have similar laws which are applicable to the public sector.

Our principal federal labor statute, the National Labor Relations Act of 1935, explicitly authorizes involuntary unionism. However, a 1947 amendment to that law -- popularly known as "Section 14(b) of the Taft-Hartley Act"-- reaffirms the historic authority of individual states to outlaw forced unionism.

The Postal Reorganization Act of 1970 contains a Right to Work guarantee, and an executive order preserves the freedom of employees of the federal government to join unions or refrain from doing so.

Also enclosed is a model Right to Work law drafted by our organization's counsel. Professor Gall, we hope you'll call upon us whenever we can be of further service to you.

Sincerely,

Charles W. Bailey

Charles W. Bailey
Vice President, Research

CWB/ga

Enclosures

Some States Ban Forced Unionism

Today millions of private sector employees in 30 states are being compelled to pay dues and fees to labor unions in order to earn their livelihood.

The firing of workers who refuse to pay tribute to unions in those states is explicitly sanctioned by Sections 7 and 8(a)(3) of the National Labor Relations Act.

However, Section 14(b) of the 1947 Taft-Hartley amendments to the federal law reinforces the authority of states to shield their citizens from compulsory unionism.

The Right to Work laws of 20 states and one U.S. territory now safeguard the right of wage-earners to work at their occupations as voluntary union members *or* as non-union employees.

COURT RULING

The U.S. Supreme Court, in a 1949 decision upholding the constitutionality of Right to Work laws, observed that "these state laws forbid employers to discriminate against union and non-union members. . . . Precisely what these state laws do is to forbid employers, acting alone or in concert with labor organizations, deliberately to restrict employment to none but union members . . ." (*Lincoln Union v. Northwestern Company*, 335 U.S. 525, 531)

The late U.S. Senator Robert Taft, co-author of the Taft-Hartley Act, explained the purpose of Section 14(b) on June 6, 1947:

"Many states have enacted laws or adopted constitutional provisions to make all forms of compulsory unionism illegal. It is not the intent of Congress to deprive the states of that power."

SECTION 14(b)

"Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law."

14(b) IS TARGET

Another attempt "to deprive the states of that power" is expected to be made in 1977-78 by officials of the AFL-CIO and other giant unions. Their 1965-66 drive to force Congressional repeal of Section 14(b) was frustrated by an aroused general public and a filibuster led by the late Senator Everett Dirksen (R-Illinois) and former Senator Sam Ervin (D-North Carolina). The repeal bill was doomed by a bipartisan Senate coalition consisting of 23 Democrats and 26 Republicans.

Many pro-repeal members of Congress were voted out of office by outraged constituents in the 1966 elections.

COERCION BANNED

Right to Work laws are now in effect in the Territory of American Samoa and the states listed below:

Alabama	Nevada
Arizona	North Carolina
Arkansas	North Dakota
Florida	South Carolina
Georgia	South Dakota
Iowa	Tennessee
Kansas	Texas
Louisiana	Utah
Mississippi	Virginia
Nebraska	Wyoming

The Louisiana statute was enacted in 1976. In a 1976 referendum the citizens of Arkansas voted overwhelmingly to preserve the Right to Work pro-

'ISN'T YOUR HASTE A TRIFLE UNSEEMLY?'

—Oliphant, Denver Post, 1965

vision in their state constitution. **That was the fourteenth state referendum in which the people voted against compulsory unionism.**

PUBLIC OPINION SCORNED

Union bosses demand repeal of Section 14(b) because they're determined to exact dues and fees from every wage-earner in the country. However, retention of 14(b) is favored by 62 percent of all rank-and-file union members, according to a 1976 survey by Opinion Research Corp., of Princeton, N.J. That same survey revealed that preservation of 14(b) is supported by 68 percent of the general public.

Congress would flagrantly violate the sovereignty of all 50 states by denying them the power to protect their citizens from the abuses of monopoly unionism.

Repeal of 14(b) inevitably would trigger a wave of costly strikes and union violence throughout the country to enforce union demands for tribute from all workers. Widespread industrial strife invariably leads to greater unemployment and adversely affects every American family.

UNION WINDFALL

There are more than 3,200,000 voluntary union members in the 20 Right to Work states, according to the U.S. Department of Labor. They and an estimated 3,000,000 non-union employees are harmoniously working side-by-side in unionized firms.

Repeal of 14(b) would bring union officials a monetary windfall of gigantic proportions. It would pave the way for them to extort $300 million annually—in the form of dues and fees —from working men and women now protected by Right to Work laws.

Repeal of 14(b) would *automatically* victimize a sizable percentage of the 3,000,000 non-union workers whose employers are bound by union contracts in Right to Work states. Many of those contracts now contain compulsory "union shop" clauses which are unenforceable as long as the Right to Work laws remain in effect.

Such clauses appear in the union agreements of many of the nation's biggest corporations, most of which operate plants in the Right to Work states and in other states.

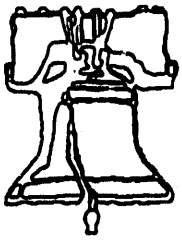
Giving unrestricted power to labor union officials is suicidal, as the plight of union-dominated Britain illustrates. Until Congress enacts a nationwide prohibition against compulsory unionism, the preservation of Section 14(b) is imperative.

"I have never supported, and do not expect to support, repeal of Section 14(b). I believe that the decision with respect to this particular issue should be left entirely to the states. They are quite capable of determining their own policy in this area."

—U.S. Senator Mark Hatfield
(R-Oregon)

"Georgia's Right to Work Law was enacted during my tenure as Governor of that State. I will continue to do all that I can to see that the right of the people to join or not to join a labor organization is protected."

—U.S. Senator Herman Talmadge
(D-Georgia)



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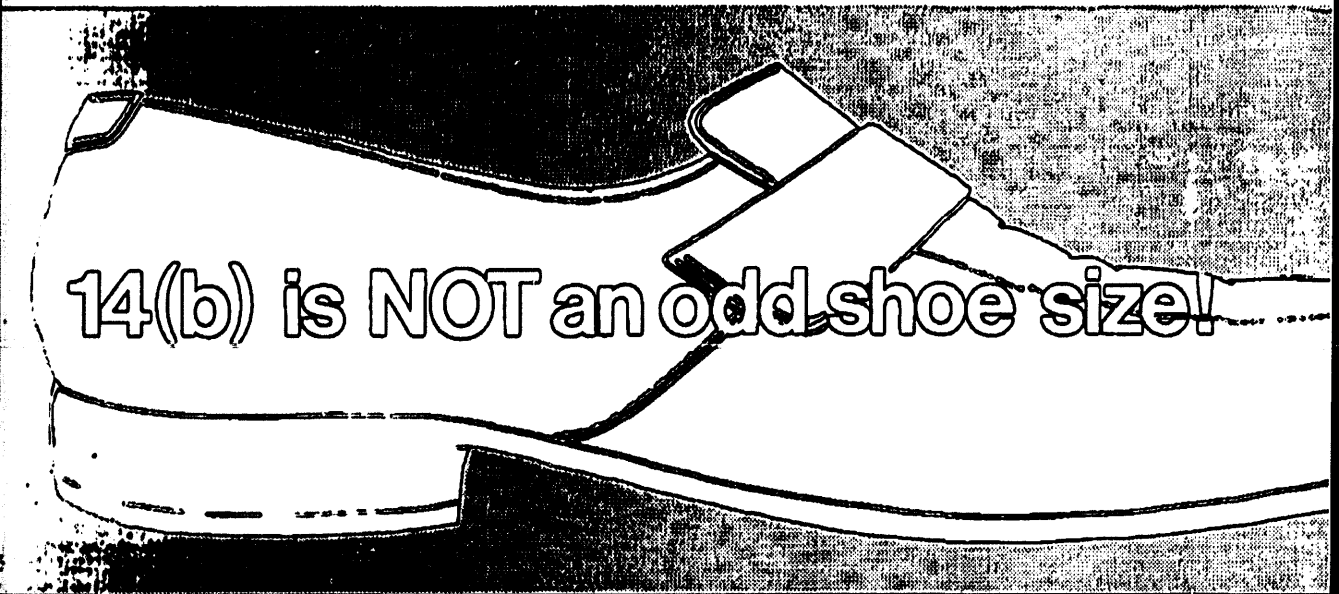


FREEDOM OF ACTION

It behooves us not to let the non-union man become, like the casual in the Army, an orphan. He is the backbone of working America and, I think, the last refuge of American independence. We must protect his freedom of action. If you do not believe that, take a look at the so-called independence of the union worker. Remember Joe Dickmon? He was a union coal miner who in 1950 attacked John L. Lewis publicly for prolonging a strike in the coal fields. He was stripped of his union card and denied his right to work. There have been far too many Joe Dickmons. Under union domination, the autonomy of local union workers has withered, and national officers exercise a control over the rank-and-file as strict, and often as merciless, as was Hitler's.

Back in my line of forebears is a man who made a unique and tremendous contribution to our theory of government: George Mason of Gunston Hall, who gave us our Bill of Rights. Had he been called upon to fashion his fundamental protective guarantees of the essential rights of the free citizen under the same conditions that prevail today, it is inconceivable that he would not have placed in the list the right to work on your own terms.

George Mason was a slaveholder who opposed slavery. Surely, he would have viewed compulsory unionism in the same light as that institution he abhorred and which as early as 1780 he thought should be abolished.

A century and a half in his wake, I cannot claim to interpret his thinking in other than the light we do know of it. But if, in any other world, I am called to account to him for a prized heritage, I shall be proud indeed to have urged 25 years ago that this Republic he helped to found should assure what I feel in every fiber of my being is the legal heritage of the free citizen: the right to work.

STATE CHAIRMAN of Iowans For Right to Work, Dr. A. D. Lubbers, President of Central College, Pella, Iowa, greets Mr. Ruggles (right). Now retired, Mr. Ruggles still finds time to write frequent editorials for the DALLAS NEWS and serve as a member of the Board of Directors of the National Right To Work Committee.

The National Right To Work Committee
1900 L. St., N.W. Washington, D. C.

*The GENESIS of Right to Work**

How the name for laws prohibiting compulsory unionism originated in 1941

by William B. Ruggles, then Editorial Page Editor of the DALLAS MORNING NEWS

This subject is very close to my heart since "Right To Work"—both as a legal principle and a title—is a brainchild of my own. In 1941 I publicized editorially the idea that every American's right to work as a union member or non-union man according to his own wish, without loss of his job, should be made a guarantee of law.

Personally, I have always been a working man, a hard-working one. Although officially retired in 1960, I still work at 75. And in half a century in journalism—from 1910 to 1960, I averaged considerably better than a 12-hour day. I have never operated an independent business, except moonlighting as a one-man baseball statistical bureau.

The problem, as I saw it in 1941, was to assure two things: first, to guarantee every worker the

**Excerpts from an address delivered by William B. Ruggles, Editor Emeritus of the DALLAS MORNING NEWS, to the annual meeting of Iowans For Right To Work on Sept. 29, 1966.*

right to unionize without loss of his job. He was entitled to that. I would fight to assure him that right. But, second and fully as important, was the need to protect the non-union worker against loss of his job if a majority of his co-workers wanted to unionize and he did not.

THE ANSWER

The answer seemed to me an amendment to the Federal Constitution so clear and unequivocal that no jurist could argue against its meaning. . . .

Monday, Sept. 1, 1941, was Labor Day. For that day's editorial page, of which I was the directing head, I wrote this editorial under the heading "Magna Carta" (see insert).

The management of the DALLAS NEWS allows considerable leeway to its editorial staff though rightly, of course, reserving the right of final approval. I was not instructed to write this editorial. I consulted no one. It was my idea. And the management first saw it when it was in galley proof. It was then given an OK.

Magna Carta

Reprinted from the DALLAS MORNING NEWS, September 1, 1941

Twenty-second Amendment to the Constitution of the United States: No person shall be denied employment because of membership in or affiliation with a labor union or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual sign a contract to exclude from employment members of a labor union or persons who refuse to join a union; nor shall any person against his will be compelled to pay dues to any labor organization.

The passage of the Wagner Act was hailed by William Green and John L. Lewis and by others as the arrival of the Magna Carta of labor. Regardless of subsequent changes in thinking by any of the speakers, their initial statements were obviously grossly in error. They did not mean the Wagner Act to be or wish it to be the Magna Carta of labor but of organized labor. Beyond question, the act has been largely enforced as the weapon of organized labor only, frequently by frank individuals who, as government officials, have asserted that the purpose of the act is to compel organization.

Now this country may wish that it should become a vast network of organized labor. If so, it is within the rights of a democracy to so decide. But the greatest crisis that confronts the nation today is the domestic issue of the right to work as a member of a labor union, if the individual wishes, or without membership in a union if he so elects. It is a greater crisis than the international situation, for on its solutions may depend our ability to face the dark international future.

Why not then determine the real attitude of the United States? At the head of this editorial appears a suggested Twenty-Second Amendment to the Constitution of the United States, guaranteeing the right of the individual to work with or without membership in an organized union. If submitted and adopted, that amendment would indeed be the Magna Carta of labor, not of a particular division of labor. It would, if you please, guarantee the open shop as that institution should be, a shop in which the union man has his organization and bargains with it as he pleases, and in which the non-union man has his rights, free of coercion to join an organization that he does not want.

If the country does not want it, let us say so. If we do want it, let us say so. If we do want it, let us adopt it and maintain forever the right to work of every American. To the 77th Congress, it is suggested urgently that this amendment should be approved and submitted to the States for ratification.

That is the birth of the Right To Work law. It had an immediate effect through the interest taken in the idea by the late Vance Muse of Houston, who headed an organization called the Christian Americans. Like most fundamental constitutionalist groups, it was severely criticized by the avant garde. Muse read the editorial, called me up to ask if THE NEWS objected to his organization taking up the proposal as its cause, which, of course, we did not. He made a Dallas visit to discuss the issue with me, and I suggested to him the use of the Right To Work label, the phrase having been used three times in the Labor Day editorial.

EARLY PROGRESS

Muse and his organization went to work and undoubtedly deserve credit for the early adoption by several States of the proposal, either as a statute or state constitutional amendment. As you know, this march of progress continued until Right To Work became statutory or constitutional law in 19 States.

When it began to spread, bitter opponents declared that it was originated by the National Association of Manufacturers or the U. S. Chamber of Commerce, which was, of course, totally untrue. My own State of Texas did not adopt the law until 1945. I was unable to help in the battle for it as I was off trying to help win World War II in the Southwest Pacific at the time. But I recall that Dr. Homer Rainey, the highly-liberal professor then head of the University of Texas, appeared before our Legislature to oppose the law and said: "This is un-Texan—it originated outside of the State of Texas and has been imported." I knew Dr. Rainey and wrote to him from New Guinea to inform him of the origin of the idea as law. And while he acknowledged my letter, I have no record of his having ever changed his public statement. Right To Work has a pretty hard row to hoe against misconception, untruth and slander.

Cartoon Quiz:

Which is the "Free Rider"?

Right to Work laws protect the inherent right of wage-earners to work at their occupations whether or not they pay dues or fees to labor unions.

Such laws now apply to *private sector workers in 20 states* and to *public employees in 32 states.* They safeguard the individual's right to join a labor organization voluntarily, and they preserve his or her right to withhold support from a union.

Union spokesmen, in attempts to undermine widespread public support for the Right to Work principle, castigate non-union employees as "free riders who receive the benefits of collective bargaining without paying their share of the cost of bargaining." Unions, they complain, are unfairly obligated by law to represent both members and non-members.

American tradition dictates that each worker be permitted to exercise freedom of choice after determining for himself whether a particular union is worthy of his support.

Monopoly bargaining privileges are granted under existing laws to labor organizations designated to represent employees. Independent-minded workers who oppose a union are compelled to accept it as their bargaining agent. They are denied the basic right to represent themselves individually in their relationship with their employer. The union's services—whether beneficial or harmful—are forced upon them over their objections.

* * *

Union organizers are suspect in many quarters because they persistently demand tribute from workers who don't want to be represented by any private organization.

Only one out of every five wage-earners in the nation's workforce is affiliated with organized labor, according to the U.S. Department of Labor. More than half of the country's union members are concentrated in six states: New York, California, Pennsylvania, Illinois, Ohio and Michigan.

The hostility of many employees toward organized labor was dramatized by the results of union representation elections supervised by the National Labor Relations Board during its most recent fiscal year. Votes *against* union representation were cast by 243,112 workers, while 138,774 employees voted *for* representation.

Votes against union representation were cast by 243,112 workers, while 138,774 employees voted for representation.

Many workers spurn unionism because they believe union officials 1) foment unnecessary strikes and lawlessness, 2) are preoccupied with partisan political activities, 3) discriminate against minorities, and 4) are manipulated by racketeers.

* * *

Officials of the Retail Clerks International Association (AFL-CIO) tried several years ago to exact "agency shop" fees in lieu of dues from non-union employees of a Florida supermarket.

The protesting workers went to court, charging the union with a flagrant violation of that state's Right to Work law.

The Supreme Court of Florida ruled in favor of the non-union employees, and its opinion was later affirmed by the U.S. Supreme Court.

The union's "free rider" argument was rejected by the Florida court, which observed the non-union workers "have decided that union membership is not an

State Right to Work Laws

Private sector employees are shielded from compulsory unionism by laws or constitutional provisions adopted by the following 20 states:

Alabama	**Nevada**
Arizona	**North Carolina**
Arkansas	**North Dakota**
Florida	**South Carolina**
Georgia	**South Dakota**
Iowa	**Tennessee**
Kansas	**Texas**
Louisiana	**Utah**
Mississippi	**Virginia**
Nebraska	**Wyoming**

* * * * * * *

The forced unionization of public sector employees is forbidden by the following 32 states:

Alabama	**New Jersey**
Arizona	**New Mexico**
Arkansas	**New York**
California	**North Carolina**
Connecticut	**North Dakota**
Delaware	**Ohio**
Florida	**Oklahoma**
Illinois	**Pennsylvania**
Iowa	**South Carolina**
Kansas	**South Dakota**
Louisiana	**Texas**
Maryland	**Utah**
Mississippi	**Vermont**
Missouri	**Virginia**
Nebraska	**Washington**
Nevada	**Wyoming**

overall benefit to them personally, else they would have joined." *Schermerhorn v. Local 1625, Retail Clerks,* 141 So.2d 269 (Fla. 1962)

* * *

"Majority Rule, Exclusive Representation, and the Interest of Individual Workers: Should Exclusivity Be Abolished?" is the title of a perceptive essay published in 1975 in the *University of Pennsylvania Law Review* (Vol. 123:897).

Its author, Prof. George Schatzki of the University of Texas, recalled that union spokesmen insisted that exclusive representation privileges be given to unions during the Congressional debates which preceded passage of the 1935 National Labor Relations Act. He wrote:

"How curious that the unions should fight so vigorously for the 'burden' of representing people who do not want the union to represent them, but then should argue for fair payment by these dissidents."

Prof. Schatzki boasts impressive credentials. He is a former practicing attorney who represented labor unions, a one-time employee of the National Labor Relations Board, and he taught at Harvard and the University of Pennsylvania before joining the University of Texas faculty.

He recommended labor law reform providing that "no one would be represented by a labor organization unless it was actually selected by that individual. An employee will be neither represented by, nor coerced into joining, any union other than one the employee wants."

The keystone of Prof. Schatzki's proposed law "would be the principle that every employee could select his or her own representative, if any." Adoption of that proposal would effectively eliminate the concept of "exclusive representation."

* * *

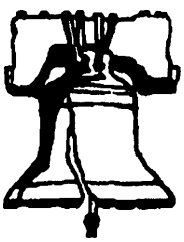
Are union spokesmen sincere or devious when they complain about "the legal obligation to represent non-members"? If they believe they're unfairly burdened, why don't they ask Congress to relieve them of that responsibility?

> "...a blatant hypocrisy in the union claim that these non-members are free riders..."

In his widely-read book, *Labor Union Monopoly,* the late Donald R. Richberg, co-author of the National Railway Labor Act, wrote:

"Having forced non-members of the union to accept and live under the contracts negotiated by the union, there is a blatant hypocrisy in the union claim that these non-members are free riders who are being given valuable services for which they should be compelled to pay."

On Feb. 11, 1976, that hypocrisy came into sharp focus during a Congressional hearing in Washington, D.C. Lobbyists for the largest postal unions appeared to testify on H.R. 5023, a bill designed to relieve those unions of the obligation to represent non-members in grievance proceedings. They denounced it.



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"A BASIC AND PRECIOUS RIGHT"

Free Choice Urged For Public Workers

After a year-long study of relations between employees and employers in the nation's public sector, the bipartisan U.S. Advisory Commission on Intergovernmental Relations (ACIR) issued its findings and recommendations in 1970.

The Commission strongly endorsed the principle that employees at all levels of government must be shielded from the obligation to pay union dues or fees against their will.

In November 1975 ACIR reaffirmed its support of absolute freedom of choice for all public employees. It circulated a recommended State Public Labor-Management Relations Act in a 108-page report entitled "ACIR State Legislative Program: Fiscal and Personnel Management."

"To safeguard public employee rights," the report declared, "the bill contains a section authorizing public employees to form, join, participate in, or refrain from joining or participating in, the activities of employee organizations of their own choice."

* * *

A painstaking research project completed after the 1975 state legislative sessions by the National Right to Work Committee disclosed that

- **public employees in 32 states are protected from compulsory unionism by laws, constitutional provisions and executive orders; and**
- **laws authorizing or mandating the forced unionization of public employees are now on the statute books of 15 states.**

The states in the aforementioned categories are listed elsewhere in this brochure, along with citations of statutes, constitutional provisions and court rulings.

Among the 32 states safeguarding the right of their public employees to support labor organizations and their cor-

(Continued on Page 2)

"While recognition of the right to membership is fundamental, of equal importance is the principle that no public employee should be required or coerced into joining an organization as a condition of employment . . . the right to refrain is just as basic and precious as the right to join, and the Commission supports this position.

"Some authorities contend that State legislation should not include language that gives employees the option of not joining an employee organization. They point out that the States should not mandate the 'choice' provision since it would preclude employer and employee representatives from negotiating union and closed shop agreements. The preferable approach, according to this argument, is for the State laws to remain silent on this matter, thereby providing a greater degree of flexibility for public agencies and employee organizations to arrive at agreements tailored to fit their own special circumstances.

"The Commission believes these contentions ignore the fact that in the public service the right to join an employee organization must be accompanied by the right not to join. When the right to join becomes a duty, obviously freedom of choice becomes merely a catchword.

"The union shop and the closed shop may or may not be appropriate for various crafts and trade portions of private industry. But given the size of many governmental jurisdictions and agencies, the diversity of employee skills, and the intense competition between and among employee organizations, this arrangement is wholly unsuitable in the public service."

—U.S. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, March 1970

Executive Order 11838 Shields Federal Employees

Employees of the federal government are protected from involuntary unionism by the following section of Executive Order 11838, issued by President Gerald Ford on Feb. 6, 1975:

> "Each employee of the executive branch of the federal government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right."

This policy statement superseded executive orders by former Presidents Kennedy and Nixon, both of which guaranteed freedom of choice to all federal workers.

Postal workers, who were classified as federal employees until 1970, are shielded from coerced unionism by the Right to Work provision in the Postal Reorganization Act of 1970.

"In my view, only a completely irresponsible legislative body would expose government employees to compulsory unionism and its inevitable abuses."

—U.S. REP. CHARLES GRASSLEY, IOWA

Free Choice Urged

(Continued from Page 1)

ollary right to withhold such support is New Jersey. Its 1968 Public Employment Relations Law provides:

> *". . . public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity."*

The forcible collection of "agency shop" fees from non-union employees is prohibited by that statute, according to a 1974 ruling by the New Jersey Supreme Court. See *New Jersey Turnpike Employees' Union v. New Jersey Turnpike Authority*, 64 N.J. 579, 319 A.2d 224 (1974). **On Nov. 17, 1975, the New Jersey Senate defeated a bill designed to legalize "agency shop" agreements in the state's public sector by a 25-to-5 margin.**

* * *

The purpose of this brochure is to furnish the reader authoritative data regarding present state laws affecting the basic right of public employees to be free from union coercion. It is the National Right to Work Committee's hope that this report will be useful to legislators who will be called upon to vote on bills intended to guarantee, or deny, freedom of choice in the public sector.

LAWS SILENT

Table I: States whose laws are silent on question of voluntary or compulsory unionism for public employees

1. Colorado
2. Georgia
3. Idaho
4. Tennessee
5. West Virginia

SUBJECT TO TESTS

Table II: States with statutes whose meaning is questionable and subject to court interpretation

1. Indiana
2. New Hampshire

FREEDOM OF CHOICE DENIED

Table III: States authorizing the forced unionization of public employees

States	Employees Affected	Citations
1. Alaska	All public employees except teachers	Alaska Statutes Annotated, §23.40.110(b)
2. California	Teachers and other public school employees	Deerings California Government Code, §3546
3. Connecticut	State employees	P.A. 566, L. 1975, effective October 1, 1975, §11
4. Hawaii	All public employees	Hawaii Revised Statutes, Chapter 89, §§3 and 4
5. Kentucky*	Firemen	Kentucky Revised Statutes, §345.050(1)(c)
6. Maine	University employees	Revised Statutes of Maine, Title 26, Chap. 12, §1027
7. Massachusetts	All public employees	Massachusetts General Laws, Ch. 150E, §12
8. Michigan	All public employees	Michigan Compiled Laws Annotated, §423.210(10)
9. Minnesota	All public employees	Minnesota Statutes Annotated, §179.65, Subd. (2)
10. Montana	All public employees	Revised Code of Montana Annotated, Title 59, §1605(c)
11. Oregon	All public employees	Oregon Revised Statutes, §§243.711 and 243.730
12. Rhode Island	State employees Municipal employees Teachers	General Laws of Rhode Island, §36-11-2 General Laws of Rhode Island, §28-9.4-8 General Laws of Rhode Island, §28-9.3-7
13. Vermont	Municipal employees	Vermont Statutes Annotated, Title 21, §§1722 and 1726
14. Washington	All public employees except teachers Higher education teachers	Revised Code of Washington, §41.56.122 Revised Code of Washington, §288.16.100
15. Wisconsin	State employees Municipal employees	Wisconsin Statutes, Subchapter V, §§111.81(6) and 111.84(1)(f) Wisconsin Statutes, Subchapter IV, §§111.70(1)(h) and 111.70(2)

* Law applicable only to cities of 300,000 and other cities petitioning for inclusion

GENERAL PUBLIC SCORNS COMPULSION

Overwhelming public opposition to the forced unionization of public employees is reflected by the following summery of findings by a 1975 Opinion Research Corporation Caravan Survey commissioned by the National Right to Work Committee.

Question: Should the U.S. Congress pass a law which would allow agreements requiring employees to join or pay dues to a union in order to work for the Federal government?

	Total U.S. Public	North-East	North-Central	South	West	Union Members	Republican	Democrat	Independent
Yes	11%	14%	11%	9%	9%	19%	11%	13%	9%
No	79%	74%	78%	82%	82%	71%	78%	77%	84%
No Opinion	10%	12%	11%	9%	9%	10%	11%	10%	7%

Question: Should your state legislature pass a law which would allow agreements requiring employees to join or pay dues to a union in order to work for the state, county, and municipal governments?

Yes	10%	14%	12%	7%	9%	18%	10%	11%	9%
No	78%	74%	78%	81%	80%	74%	78%	78%	83%
No Opinion	12%	12%	10%	12%	11%	8%	12%	11%	8%

IS THAT HOW THEY DEFINE "FREE RIDER"?

Legislators in increasing numbers are taking a more critical look at the principal argument used by union spokesmen in support of authorizations of *compulsory* unionism in existing and proposed laws.

The argument: "Our union is obligated by law to represent both members and non-members in the bargaining units. Free-riding non-members are receiving the same benefits the members get, and it's unfair to burden the members with the entire cost of representation. Non-members should be required to pay their fair share!"

A union designated to represent a group of employees is granted exclusive bargaining privileges. Independent-minded employees who oppose the union are compelled to accept it as their bargaining agent. They are denied the right to represent themselves individually in their relationship with their employer. The "services" of the union—good, bad or indifferent—are forced upon them over their objections.

Are union lobbyists sincere or devious when they complain about "the legal obligation to represent non-members"? Didn't union officials demand the power to represent and bind all employees in bargaining units? Are the unions unfairly burdened, or are they exercising extraordinary privileges? If they're unfairly burdened, why don't they ask to be relieved of the responsibility of representing non-members?

The hypocrisy of the "free rider" complaint was brought into sharp focus during a congressional hearing in Washington, D.C., on Feb. 11, 1976. Lobbyists from the largest postal unions testified on a bill, H.R. 5023, which would relieve those unions of the responsibility to represent postal workers in grievance proceedings.

They denounced H.R. 5023.

Nation's Press Decries Public Sector Coercion

"People simply do not believe that joining a union should be a condition of working for the government. Neither do we."

—LOS ANGELES HERALD-EXAMINER
April 4, 1975

"The city is staggering out of its budget crunch with one thing clear: New York is working for its unionized civil service workers, not vice versa. The real power in the city is held by the municipal unions."

—NEW YORK TIMES
July 8, 1975

"A growing number of Missourians are sympathetic to public employees who feel shut out from deliberations concerning their working conditions and salaries. But forced unionism is not the answer."

—ST. LOUIS GLOBE-DEMOCRAT
April 10, 1975

"As unions of public employees grow, their power is becoming ominous. . . . The danger is that power is passing from elected officials to unelected unions responsible only to themselves."

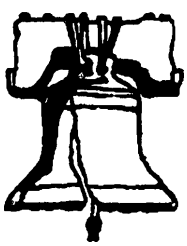
—PITTSBURGH POST-GAZETTE
Nov. 18, 1975

"Forcing teachers not members of a union . . . to shell out the equivalent of dues to that union is undemocratic in the extreme."

—BALTIMORE NEWS AMERICAN
April 9, 1975

"It is actually AFSCME which wants the free ride. The union has not been able to persuade all eligible public employees to join it. So it wants the legislature to pass a law giving it the right to extract union dues from them anyway."

—PHILADELPHIA INQUIRER
Dec. 8, 1975



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FREEDOM OF CHOICE GUARANTEED

Table IV: States forbidding the forced unionization of public employees

States	*Employees Affected*	*Citations*
1. Alabama	All public employees Firemen	Code of Alabama, Title 26, §375(1) et seq. Code of Alabama, Title 37, §450(3)
2. Arizona	All public employees	Article XXV, Arizona Constitution, Arizona Revised Statutes Annotated, §23-1302
3. Arkansas	All public employees	Amendment No. 34, §1, Arkansas Constitution, Arkansas Statutes, 1947, §§81-202 and 81-203
4. California	All public employees except teachers	Deerings California Government Code Annotated, §§3502 and 3527
5. Connecticut	Teachers	Connecticut General Statutes Annotated, §10-153(a)
6. Delaware	Public school employees	Delaware Code Annotated, Title 14, §4003
7. Florida	All public employees	Florida State Constitution, Art. 1, §6, Florida Statutes Annotated, §447.301
8. Illinois	State employees	Executive Order #6 (1973)
9. Iowa	All public employees	Iowa Code Annotated, §20.8 (1975 Supp.), Iowa Code Annotated, §736A.1
10. Kansas	All public employees except teachers Teachers	Kansas Statutes Annotated, §75-4324 Kansas Statutes Annotated, §72-5414
11. Louisiana	All public employees	Constitution of Louisiana, Article X, Section 10(3)
12. Maryland	Teachers	Annotated Code of Maryland, Art. 77, §160
13. Mississippi	All public employees	Mississippi Constitution, Art. 7, §198-A; Mississippi Code Annotated, §6984.5
14. Missouri	All public employees except policemen	Missouri Revised Statutes, Section 105.510
15. Nebraska	All public employees	Nebraska Constitution, Article XV, §13
16. Nevada	All public employees Municipal employees	Nevada Revised Statutes, §613.250 Nevada Revised Statutes, §288.140
17. New Jersey	All public employees	New Jersey Statutes Annotated, Section 34:1 3A-5.3
18. New Mexico	State employees	State Personnel Board Regulations Revised May 9, 1972, VIII
19. New York	All public employees	McKinney's Consolidated Laws of New York Annotated, Civil Service Law, §§202 and 208
20. North Carolina*	All public employees	North Carolina Statutes, §95-98
21. North Dakota	All public employees	North Dakota Century Code Annotated, §34-01-14
22. Ohio	All public employees	*Foltz v. City of Dayton*, 75 LRRM 2331 (Ohio Ct. of App. 1970) *CSEA v. AFSCME*, 405 GERR B-9 (Ohio 1971) *Sheehy, et al. v. Ensign et al.*, 395 GERR B-3 (Common Pleas Court 1971) *Hagerman v. City of Dayton, et al.*, 71 N.E. 2d 247 (Ohio 1947)
23. Oklahoma	Firemen and policemen Municipal employees	Oklahoma Statutes, Title 11, §548.2 Oklahoma Statutes, Title 11, §548.3-1
24. Pennsylvania**	All public employees except policemen and firemen Policemen and firemen	43 Purdon's Pennsylvania Statutes Annotated, §1101.705 *IAFF Local 1038 v. Allegheny Co.*, 490 GERR B-4 (Comm. Ct. of Pa. 1973)
25. South Carolina	All public employees	South Carolina Code Annotated, Title 40, §48
26. South Dakota	All public employees	South Dakota Compiled Laws Annotated, §§3-8-2 and 60-8-3 South Dakota Constitution, Section 2, Article 6
27. Texas	All public employees	Vernon's Annotated Civil Statutes, Art. 5154 g, §1
28. Utah	All public employees	Utah Code Annotated, Title 34, §34-2
29. Vermont	State employees Teachers	Vermont Statutes Annotated, Title 3, Chapter 27, §§903,941(2) and 962(6)(A) Vermont Statutes Annotated, Title 16, Chapter 57, §1982
30. Virginia	All public employees	Code of Virginia Annotated, §§40.1-58 and 40.1-58.1
31. Washington	Community college teachers	Revised Code of Washington, §28B.52.070
32. Wyoming	All public employees	Wyoming Statutes, Title 27, §245.3

* Contract in North Carolina between union and public employer illegal

** Public employees in Pennsylvania who voluntarily join labor unions or employee associations can legally be required to maintain their memberships "for the duration of a collective bargaining agreement . . ."

Table II

Union Propaganda Refuted

Some union officials and their puppets charge that a state's economic growth is impeded by a Right to Work law. Their charge is refuted by the documented figures below.

	1964	1974	Actual Gain	% Gain
Manufacturing Employment				
RTW states average	195,200	278,800	83,600	43
Non-RTW states average	424,100	460,500	36,400	9
Contract Construction Employment				
RTW states average	47,900	78,200	30,300	63
Non-RTW states average	66,100	78,310	12,210	18
Non-Agricultural Employment				
RTW states average	757,700	1,170,800	413,100	55
Non-RTW states average	1,368,710	1,446,980	390,770	29
Weekly Earnings of Manufacturing Workers				
RTW states average	$ 94.44	$ 156.58	$ 62.14	40
Non-RTW states average	105.50	181.24	75.74	42
Per Capita Personal Income				
RTW states average	$ 2,136	$ 4,819	$ 2,683	126
Non-RTW states average	2,606	5,469	2,863	110
New Housing Units Authorized				
RTW states average	19,399	22,126	2,727	14
Non-RTW states average	29,601	20,603	−8,998	−30
Capital Expenditures for Manufacturing Plants, 1967-1973				
RTW states average	$288,530,000	$406,600,000	$118,100,000	41
Non-RTW states average	499,470,000	601,060,000	100,590,000	20

1975 Work Stoppages	Number	Man-days Lost
RTW states average	52.0	357,600
Non-RTW states average	138.8	787,400

Sources: U.S. Department of Labor and U.S. Department of Commerce.

NOTE: Figures for individual states will be provided by the National Right to Work Committee upon request.

Good Business Climate Spurs Economic Growth

"A Study of the Business Climate of the States," a 221-page report by The Fantus Company, a subsidiary of Dun & Bradstreet, Inc., was published in August 1975.

It disclosed that the most favorable business climate prevails in the following states:

1. Texas
2. Alabama
3. Virginia
4. South Dakota
5. South Carolina
6. North Carolina
7. Florida
8. Arkansas
9. Indiana
10. Utah

Right to Work laws are in effect in all states listed above, with the exception of Indiana.

The ten states with the most unfavorable business climate are:

1. Washington
2. Oregon
3. Minnesota
4. Pennsylvania
5. Connecticut
6. Delaware
7. Michigan
8. Massachusetts
9. California
10. New York

None of the foregoing ten states has a Right to Work law.

The purpose of the study was to compile information about the business environment in states in which The Fantus Company's clients might invest money in new and expanding business enterprises.

This pamphlet is an educational service of the

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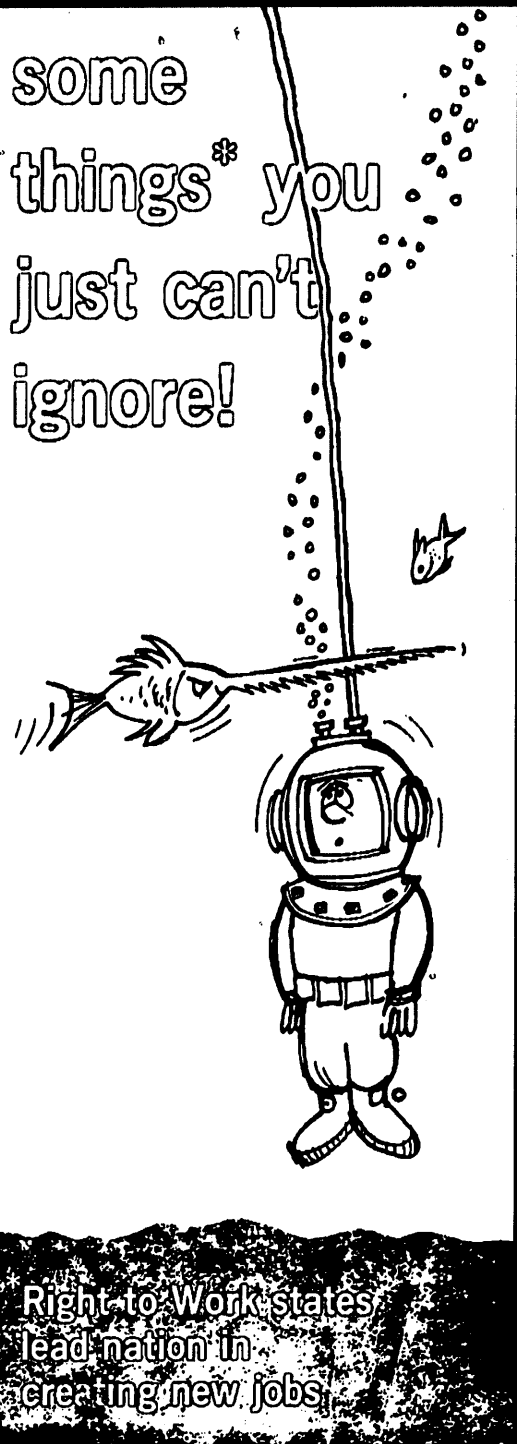

Free States Show Economic Vitality

Right to Work laws shielding employees of private industries and businesses from compulsory unionism are now in force in 20 of the 50 states.

A new Right to Work law became effective in Louisiana on July 9, 1976, after having been approved decisively in both the Senate (25-14) and the House of Representatives (59-46).

These impartial laws reinforce the basic right of citizens to earn their livelihood as voluntary union members or as non-union workers. Employees governed by these state guarantees cannot be fired from their jobs for refusing to pay dues or fees to labor organizations they consider corrupt, unnecessary, or harmful to their own interests. Nor can they be penalized for joining unions voluntarily.

Wage-earners in Right to Work states benefit economically from these laws because their states consistently create more new manufacturing jobs than the remaining states.

A net increase of 1,587,900 manufacturing jobs was recorded by the Right to Work states between 1964 and 1974, according to documented government studies. A smaller gain was realized by the other states—even though they boast 70% of the country's total population. The Right to Work states were credited with 57.7% of the nation's net increase during that decade.

In 1974 there were 1,587,900 persons in Right to Work states employed in manufacturing jobs which didn't exist in 1964! Wages paid those employees totalled nearly $13 billion in 1974 alone. The comparable 1974 figure for new manufacturing workers in the remaining states was less than $11 billion.

Table I of this pamphlet illustrates that six Right to Work states ranked among the top ten states in the creation of new manufacturing jobs. Four non-Right to Work states suffered net losses: New York 213,600 jobs; Massachusetts 32,400; Maryland-D.C. 6,000; and Hawaii 2,400.

Louisiana Joins Right to Work Ranks

Enactment of the 1976 Louisiana Right to Work Law is attributed to the general public's revolt against domination of the state by union czars. That domination had produced widespread union violence and stalled the state's economic growth.

Louisiana's unenviable reputation for labor strife worsened last January when a bitter jurisdictional battle between rival unions erupted into guerrilla warfare at a Lake Charles construction site. An armed mob killed a 26-year-old worker, Joe Hooper, and wounded five other employees.

Louisiana citizens were also concerned about their state's inability to compete with neighboring Right to Work states for new industries.

The successful legislative campaign was climaxed by a second tragic murder. **The Louisiana Right to Work Committee's public relations director, 38-year-old Jim Leslie of Shreveport, was shot to death in Baton Rouge less than eight hours after legislative action on the Right to Work bill was completed.**

Table I

Net Increases in Manufacturing Jobs, 1964-74

RIGHT TO WORK STATES

1. Texas	288,000	11. Iowa	65,900
2. North Carolina	232,900	12. Arizona	52,600
3. Tennessee	157,800	13. Kansas	46,600
4. Florida	136,600	14. Nebraska	24,800
5. Georgia	105,000	15. Utah	17,600
6. South Carolina	97,300	16. South Dakota	7,500
7. Alabama	94,000	17. North Dakota	5,800
8. Virginia	92,400	18. Nevada	5,500
9. Mississippi	79,900	19. Wyoming	700
10. Arkansas	77,000	**TOTAL**	**1,587,900**

NON-RIGHT TO WORK STATES

1. California	298,100	17. Idaho	15,600
2. Ohio	158,500	18. New Mexico	11,600
3. Indiana	104,500	19. Delaware	10,800
4. Kentucky	99,500	20. Connecticut	9,800
5. Minnesota	96,100	21. Rhode Island	9,800
6. Illinois	94,600	22. New Hampshire	8,500
7. Michigan	80,300	23. Vermont	7,900
8. Wisconsin	76,700	24. West Virginia	4,400
9. Oklahoma	59,300	25. Alaska	3,900
10. Colorado	53,400	26. Montana	3,000
11. Missouri	47,100	27. Maine	1,100
12. Oregon	45,700	28. Hawaii	−2,400
13. Pennsylvania	37,300	29. Maryland-D.C.	−6,000
14. Louisiana *	33,600	30. Massachusetts	−32,400
15. Washington	33,100	31. New York	−213,600
16. New Jersey	15,800	**TOTAL**	**1,165,600**

** Right to Work law effective July 9, 1976.*

Source: U.S. Department of Labor

Free States Show (continued)

The 1964-74 data reveal the average gain in non-agricultural jobs was also greater in the Right to Work states (413,100) than in the remaining states (390,770).

Table II also features comparisons of *contract construction employment, per capita personal income, new housing, capital expenditures for manufacturing plants,* and *work stoppages.*

The overriding question presented by the Right to Work issue is: "Shall each citizen freely choose for himself or herself whether to support a labor organization?" All other considerations are subordinate to the individual's freedom of choice.

However, the economic vitality of Right to Work states demonstrates that laws banning compulsory unionism bring prosperity to employees, employers and the entire community.

The freedom of employees cannot be bartered away by employers during labor-management bargaining sessions in Right to Work states. These laws minimize industrial strife and produce a business climate conducive to greater productivity and increased job opportunities.

"Louisiana lost 1,100 manufacturing jobs from April 1975 to April 1976, while Mississippi gained 18,900 manufacturing jobs in the same period. The fact that Louisiana has no Right to Work law probably played a big role in that situation. . . .

"Right to Work would create more manufacturing jobs. . . . This business about Right to Work signaling a return to 'slave wages' is unfounded."

—Robert Reid, *Labor Analyst, Louisiana Department of Employment Security, as quoted in New Orleans States Item July 9, 1976*

"During the decade 1963-73 Arkansas gained 82,000 new jobs in manufacturing, easily outdistancing neighboring states without Right to Work laws."

—Pine Bluff Commercial

COMPULSORY UNIONISM

•

THE NEW SLAVERY

by Donald R. Richberg

Compulsory Unionism: The New Slavery is a key chapter in Donald Richberg's revealing and fascinating book, LABOR UNION MONOPOLY, *A CLEAR AND PRESENT DANGER*. The book tells the "inside" story of how labor union monopolies came into being and how the big union leaders maintain their monopolies.

According to Mr. Richberg, "the greatest concentrations of political and economic power in the United States are found in the under-regulated, under-criticized, under-investigated, tax-exempt and specially privileged labor organizations." The solid foundation for this political and economic power is compulsory unionism.

The late Mr. Richberg was a lifetime fighter for the legitimate rights of labor. He took part in the early struggles to unionize industry, co-authored the famed Railway Labor Act of 1926 and the National Industrial Recovery Act of 1933, and attempted reconciliation of industry-labor-public interests as the last head of the NRA in 1936.

LABOR UNION MONOPOLY

A Clear and Present Danger

Reprinted August, 1966 with permission from Henry Regnery Company:
Second Printing, March, 1972.

Compulsory Unionism: The New Slavery

FOR A generation all labor unions denounced "yellow dog contracts" under which employees were forced either to join a union approved by their employer or not to join any union. To free labor from such coercion these "yellow dog contracts" were made unlawful by national and state laws.

But today union labor leaders are demanding that a new variety of "yellow dog contract" be legalized. This is called a union shop agreement. Under such an agreement the employer forces every old and new employee to be a member, pay dues, and submit to the discipline of one particular union, or else lose his job. The union may be a good or bad union. It may be loyal to the workers and to the government; or it may be a communist-controlled union disloyal to both.

The old laws prohibiting "yellow dog contracts" have been modified (at union demand) by national laws which permit an employer to make such a contract compelling membership in a union representing the majority of his employees of one craft or class. The only legal obstacles to the establishment of compulsory unionism and a monopoly of employments throughout the United States are: 1. The laws of seventeen states, which make it illegal either to compel a man to join a union in order to earn a living, or to prevent him from joining a union. 2. A provision in the Taft-Hartley Act which permits these state laws to be enforced, although, where there are no state laws, union closed shop contracts may be lawful. 3. The Constitution of the United States—under which the right of a man to earn a living without being compelled to pay tribute to a private organization, and the right of a man to join or refuse to join a private

organization are guaranteed—and which *should* be, and, let us hope, will be protected against private or public denial.

It is hard to understand how labor unions, which have developed, as voluntary organizations of self-help, to free labor from any oppressions of employer power, can justify their present program of using the employer's control of jobs to force men into unions to which they do not wish to belong.

The major arguments in behalf of compulsory unionism are as follows: 1. "Union security," that is, the strength of the *union*, depends upon universal acceptance of membership as a condition of employment. 2. Majority rule is a democratic principle, and a minority of workers who will not voluntarily support the union should be compelled to do so to solidify the power of the majority. 3. The union negotiates contracts for the benefit of all employees of a craft or class, and those who do not voluntarily contribute support to an organization which benefits them should be compelled to contribute. 4. The power of discipline over all workers should be available to the union so that it may insure the fulfillment of contracts and other assumed obligations.

Not one of the foregoing arguments can be maintained against the facts, nor can they justify the oppression and denial of individual liberty which is the inherent wrong of compulsory unionism.

1. It is a simple historical fact that the unions have increased in numbers and in economic and political power in the last twenty years as voluntary organizations, and under favoring national and state laws, they have no need to compel unwilling workers to join and pay them dues.

It is also hardly debatable that a voluntary organization of workers united for self-help is inherently a much stronger organization than a union composed to a considerable extent of unwilling members. Many of the strongest friends of organized labor have pointed out on many occa-

sions that the strength of unionism in voluntary organizations would be greatly weakened by converting them into compulsory, monopolistic organizations which, if legally permitted, will inevitably require detailed regulation by government which would otherwise be unnecessary.

Two members of the National Defense Mediation Board, Judge Charles E. Wyzanski (former Solicitor of the Department of Labor) and former Senator Frank P. Graham, both made this point in opposition to compulsory unionism. President Franklin D. Roosevelt made a similar public pronouncement. Mr. Justice Frankfurter in the state "right-to-work" cases (335 U. S. 538) quoted extensively from the late Justice Brandeis, who held that "the ideal condition for a union is to be strong and stable, and yet to have in the trade outside its own ranks an appreciable number of men who are non-unionists. . . . Such a nucleus of unorganized labor will check oppression by the unions as the unions check oppression by the employer."

2. "Majority democratic rule requires the minority to support the majority." This is a wholly fictitious argument because our laws and customs already require the minority of employees who are not members of a labor union to accept the terms and work under the contracts of the majority. This is similar to the requirement that any minority or dissenting group in a community must accept the laws enacted by the majority representatives. But, even in the case of public laws, a dissenting minority, a political party in opposition, is not required to stop its opposition; nor is it required to contribute to the political support of the majority party. Even members of the majority are at liberty to withdraw from such an association.

Those who espouse compulsory unionism are essentially adopting the communist theory that there should be only one party to which everyone should give allegiance and support. Inside the party there may be disagreements, but no one

is permitted to go outside and support an opposition movement.

The claim of democratic majority rule by compulsory unionism is a pure fraud. Our democratic theory of majority rule is based on the preservation of minority rights and minority opposition and the possibility of shifting the majority power. But when the workers are required to join and support a union regardless of their desire to oppose it, the whole democratic basis of majority rule disappears. It is supplanted by a monopoly rule which has no place in a democratic society and which, as a matter of fact, is a product of state socialism and communism.

3. The free rider argument: Much public stress is laid on the argument that, since the union negotiates for the benefit of all workers of a class, all such workers should be compelled to contribute to the cost of maintaining the union activities. This argument has a superficial appeal, but it is both fundamentally unsound and highly deceptive as to the facts.

The argument is *fundamentally unsound* because all through our society voluntary organizations carry on activities which benefit a great many who do not contribute any financial or other support. Fraternal organizations, churches, and civic and political organizations raise money, organize work, and carry it on for the benefit of a large number of persons who contribute no support. How absurd it would be to suggest that whenever a voluntary organization benefits any group of people it should be empowered to compel them by law or by economic pressure to contribute support!

The argument is also *highly deceptive* for three reasons. First, only a part of the dues and assessments of the unions is devoted to negotiating contracts. The unions have a great many activities such as political campaigns, social and economic propaganda, insurance, and so forth, to which no one should be compelled to contribute, particularly when he himself is not convinced that they

are for his benefit. Second, the real objective of forcing all workers to join unions is, as the union leaders themselves admit, not so much to compel them to pay their share of an expense, as to compel them to accept the discipline of the organization and, by concerted actions and the appearance of increased numbers, add to the economic and political power of the union. Third, the unions sought and obtained by law a *special privilege*—the right to represent any minority of non-member employees and to make contracts binding on any such minority. The unions took away by law the right and freedom of individual employees to contract for themselves—and now the unions demand that non-members be compelled to pay for having their freedom of contract taken away and exercised against their will! The non-member is not a "free rider"; he is a captive passenger.

4. The need of an increased power of discipline: This argument, which is being made with increasing vehemence, is based on the theory that non-union employees, who cannot be disciplined by depriving them of their employment, are a menace both to the union and to the employer because they will not live up to contract obligations. Here again is a fraudulent argument because the non-union employee is just as much bound as the union employee to carry out the obligations of the trade agreement.

Also, without being made a member of the union the independent worker is subject to employer discipline to an even greater degree than a union member. If he breaks contract obligations, or refuses to obey management orders, he can be and will be disciplined by the employer, and he will not have any union backing to support him in a recalcitrant position. On the other hand, if a union man gets in difficulty with the management, the union is obligated to support him if it can. What the unions really mean is that they want the power of discipline over all employees, particularly so that they will all strike, or other-

wise support the union officials in whatever position they may take which is antagonistic to management. The fact is that the increased power of discipline given to union officials by compulsory unionism is all contrary to the interest of both the employer and the free worker.

There are various other arguments brought forward by the unions in the effort to prove that a worker is better off as a compulsory member than if he is allowed to remain voluntarily a non-member. For instance, the A. F. of L. contends that if the employee is not a union man "he has no voice at all in determining his rate of pay, his hours or other conditions of employment." Theoretically, this appears to be plausible. But as a practical fact the union member of one of the huge unions of modern times has as small a voice in determining union policies and programs as the average citizen who is not active in politics has in making the laws. The most effective voice which any man can have in an organization, unless he is a part of the ruling hierarchy, is the voice of opposition, the voice of criticism. This may be a small voice, but one which can be made effective only if it is coupled with the power to withdraw from the organization, to refuse to give it moral and financial support, and to threaten unwise or vicious leadership with the development of a rival faction or organization to challenge its authority.

The major value of labor organizations to the workers lies in their power to control their representatives. They may become helpless subjects of a labor autocracy if the individual worker is denied the right and freedom to refuse to support an official or an organization which does not truly represent him. How much should a man rely on the servant he employs, who then assumes to be his master and says, "You must obey me or I will cut your throat?"

Let us review briefly a few other union arguments against "right-to-work" laws. The unions claim these laws are an "anti-labor weapon."

How can a law be "anti-labor" which provides only that an employee shall be absolutely free from employer coercion either to join or not to join a union? How can a law sustaining the freedom of labor be honestly called an "anti-labor" law? The unions are actually claiming that it is against the interests of the worker to be free from employer coercion! They are claiming that if the union approves of employer coercion, then it is "anti-labor" to insist that the employee be kept free from any tyrannical use of the employer's power, against which union labor claims to be the ancient, time-honored enemy!

The agreement for a union closed shop is now called a "union security" agreement. This very designation is a confession that it is not the *worker* who is made more *secure* by union closed shop agreements. In fact, he is made utterly dependent upon a tyrannical control of his livelihood, exercised jointly by the employer and the union. Only the union itself—that is, the union officialdom—is made more "secure" by such agreements. These closed shop contracts, these "one party" monopolies, make it practically impossible for dissenters, even for a substantial majority, in the union successfully to oppose the dictatorial control of a well-entrenched machine of labor bosses.

In practical result, the union closed shop agreement destroys the fundamental principle of self-organization and collective bargaining which, during the twentieth century, friends and organizers of free labor have been establishing firmly in public opinion, public policy, and public law.

The Railway Labor Act (1926, 1934), the Wagner Act (1935), and the Taft-Hartley Act (1947) in the same language established in all industries subject to federal law the right of all employees to "self-organization" and "to bargain collectively through representatives of their own choosing"—and the right to exercise these rights free from employer "interference, influence or coercion." How can there possibly be "self-

organization" or "representatives of their own choosing" when men and women are compelled to join unions against their will? How can there be freedom from employer "interference, influence or coercion" when every employee is forced by his employer to join the particular union with which the employer has made a union shop agreement?

The union bosses argue that every employee is free to select *within the union* his representative. But this is not a genuine freedom of choice, any more than there is freedom of voting under a communist government. In communism there is only "one party" which the voter can choose to represent him. In compulsory unionism there is only "one party" which the employee can choose to represent him. The single, helpless voter under compulsory communism has no free choice of his legal representative.

There can be no self-organization or self-government, no government by consent of the governed, when persons are not free either to join or to refuse to join or to withdraw from the organization or the party which has the legal authority to represent them, to speak for them, and to make agreements binding on them. In the language of Chief Justice Hughes, upholding the constitutionality of the Railway Labor Act (281 U.S. 548), "Collective action would be a mockery if representation were made futile by interference with freedom of choice."

The outstanding labor unions of the United States are making a mockery out of collective bargaining and destroying the essential freedom of labor by their campaign to establish compulsory unionism which should not be lawful under a free government or tolerated by a free people.

"I believe that maximum personal liberty within an orderly society is essential to a strong, prosperous and happy America."

General Dwight D. Eisenhower

"If I were a wage-earner, I might well be inclined to join a union. But I would want to have the choice of joining a union. I would not want to be compelled to join."

John McClellan, U.S. Senator, Arkansas

". . . So then, to every man his chance—to every man, regardless of his birth, golden opportunity—to every man the right to love, to work, to be himself, and to become whatever his manhood and his vision can combine to make him—this seeker is the promise of America."

Thomas Wolfe, Novelist

"Is there a greater right? Is there a more important right? Is there a more fundamental right than the right to make a living for one's self and for one's family without being compelled to join a labor organization?"

Everett M. Dirksen, former Minority Leader, U.S. Senate, Illinois

"The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections."

Robert Jackson, U.S. Supreme Court Justice

"No organization should have the privilege of keeping from their jobs any workers who wish to perform their services. The big question is whether individual liberty really prevails in America and whether every citizen is to be permitted to enjoy the freedom that is so often extolled."

David Lawrence, Editor & Columnist

The National Right to Work Committee is a coalition of citizens from all walks of life who share the belief that individual workers should have the right to join or not join a union without losing their jobs. While supporting the right of all Americans to voluntarily join labor unions, the National Committee also feels citizens should not be compelled to join or support unwanted unions.

The National Committee led the fight in 1965-66 to preserve Section 14(b) of the Taft-Hartley Act, and has been largely responsible in recent years for defeating efforts to impose compulsory unionism on farm workers, postal workers, and public employees at all levels of government.

For additional copies and information write:
THE NATIONAL RIGHT TO WORK COMMITTEE
8316 Arlington Boulevard
Fairfax, Virginia 22030

AN ACT

To Protect Employees in their Freedom of Choice to Join or Refrain from Joining Labor Organizations.

Section 1. It is hereby declared to be the public policy of _____ that all persons shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist labor organizations or to refrain from any such activities.

Section 2. The term "Labor Organization" means any organization of any kind, or any agency or employee representation committee, which exists for the purpose, in whole or in part, of dealing with employers concerning wages, rates of pay, hours of work or other conditions of employment.

Section 3. No employer shall require any person as a condition of employment to become or remain a member of any labor organization, or to pay any dues, fees or other charges of any kind to a labor organization.

Section 4. Any agreement, understanding or practice, written or oral, between any employer and any labor organization in violation of the provisions of this Act is hereby declared to be unlawful, void, and of no legal effect.

Section 5. It shall be unlawful for any employer to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments or other charges to be held for or paid over to a labor organization, unless the employer has first received a written authorization signed by the employee, which authorization shall be revocable by the employee at any time by giving the employer 30 days written notice of such revocation. Every employer who receives any such authorization from an employee shall have a duty to notify the employee in writing that his said authorization may be revoked by him at any time by giving 30 days written notice.

Section 6. It shall be the duty of every employer to post and to keep continually displayed the following form of notice at such place or places in his business establishment or premises where it may be readily seen by all employees, and it shall be the further duty of each employer to furnish a copy of such notice to each employee at the time such employee is hired or is re-employed or reinstated after any period of lapse in his employment status:

"EMPLOYEES FREEDOM OF CHOICE

Under _____ law employees are protected in the exercise of their free choice to join or refrain from joining labor organizations, and it is unlawful for an employer and a labor organization to enter into a contract or agreement to require

(over)

"employees to join or remain members of a labor organization or to pay dues, fees or charges of any kind to a labor organization as a condition of obtaining or keeping a job. Under the law an employer may not discharge or otherwise discriminate against any employee by reason of his joining or refusing to pay union dues, fees or other charges to a labor union."

Section 7. Any person who directly or indirectly places upon any other person any requirement or compulsion prohibited by this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding $1,000, and imprisonment for a period of not more than 90 days.

Section 8. Any employee injured as a result of any violation or threatened violation of the provisions of this Act shall be entitled to injunctive relief against any and all violators or persons threatening violation, and may also recover any and all damages of any character cognizable at common law resulting from such violation or threatened violation. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this Act.

Section 9. It shall be the duty of the Attorney General of this State, and of the District Attorney of each city and county, to investigate any complaints of violation of this Act and to prosecute all persons violating any of the provisions of this Act, and to take all means at their command to ensure effective enforcement of the provisions of this Act.

Section 10. The provisions of this Act are declared to be severable, and if any provision shall be found to be unconstitutional or invalid for any reason the same shall not affect the remainder of the provisions of this Act.

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Is Monopoly In The American Tradition?

THE ELIMINATION OF FORCED UNION MEMBERSHIP

By REED LARSON, *Executive Vice President, National Right to Work Committee*

Delivered at King's College, Briarcliff Manor, New York, April, 4, 1973

"IS MONOPOLY in the American Tradition?" That's the topic you've given me today. Before dealing with that subject directly, I want to establish some premises and a framework within which we can discuss it.

I feel confident that each one of you here today, as a student, shares with me the common dedication to the concept that the interests of society are best served by a system of government which maximizes individual freedom — a system which provides the greatest possible opportunity for each individual to develop and express himself consistent with the restraints necessary for maintaining an orderly society.

This pursuit of individual freedom, I'm convinced, is shared equally by everyone of you, regardless of where you rate yourself on the political-philosophical scale, from Right to Left, liberal to conservative, Democrat or Republican.

Controversies arise, however, in determining how best to promote and protect individual freedom. "Liberals" and "conservatives" — and I place those terms in large figurative quotation marks, using them reluctantly because of their inexactness — tend to approach individual freedom from opposite directions. "Liberals" would confer enormous power on the institution of government and certain favored private institutions in order to enable those institutions to adequately safeguard individual freedom. "Conservatives," on the other hand, are generally suspicious of government power and want to diffuse it, although they are not always perceptive of the danger of excessive power conferred on business and industry by government action.

The fuzzy definitions of "liberal" and "conservative" become even fuzzier today with the emergence of the liberal establishment's "New Left" and the increased visibility of conservative "Libertarians." In a surprising number of areas, we find the more consistent elements in the "New Left" sharing a remarkably large number of positions with the more consistent conservatives. All of which may indicate, I suppose, that the philosophical world, just like the physical world, is indeed round.

Two of the most common misapprehensions in attempting to neatly define the roles of "liberals" and "conservatives" are these: First, that the business community — especially major industry — is a consistent defender of the "conservative," free-market philosophy; and secondly that the so-called "liberal" groups are consistent in defending civil liberties of individuals. On the first point, as the enormous power of government in our private and business lives becomes ever more pervasive, legislative and political efforts of business — especially big professionally-managed companies — become more and more preoccupied with bending the power of government to serve particular industry needs. Many elements of the business community find themselves pursuing legislative objectives aimed at restricting, rather than enlarging, the free market principle. Of course, there are many notable exceptions to this rule. Most, but not all, are in the ranks of medium and small owner-managed businesses.

On the other side of the coin, the so-called "liberal" defenders of civil liberties like the ACLU and the NAACP have become so conditioned by their marriage of convenience to monoplistic labor unions that in one of the most important areas of civil liberties — the right of an individual to earn a living without paying money to a private, politically-oriented organization — these groups have been utterly prostituted. In the case of the NAACP, this was best il-

lustrated a few years ago when union officials were making an all-out effort to repeal Section 14(b) of the Taft-Hartley Act, the provision that enables states to protect themselves from the federal sanction of compulsory unionism. The NAACP lobby in Washington was placed in a position where it had to choose between its support of 14(b) repeal and its support of a measure aimed at tightening federal prohibitions of racial discrimination by labor unions. The NAACP made its choice. It concluded that its first priority goes not to restricting union racial discrimination, but to striking down all state laws against compulsory unionism.

The American Civil Liberties Union, for its part, had to face a similar crucial decision recently. William F. Buckley, Jr., asked the ACLU to support his lawsuit challenging the infringement of his constitutional right of free speech posed by the requirement that he pay money to a labor union in order to express his opinions on the publicly regulated airways. In view of its close alliance with organized labor, the ACLU faced an agonizing choice. But might triumphed; its leaders finally replied that, unlike federal Judge Charles Brieant, the ACLU could discern no infringement of Mr. Buckley's right to free speech by such a compulsory unionism requirement.

On the "liberal" side, too, there are growing exceptions to the classic establishment positions. The alliance of the "liberal" establishment with giant monopolistic labor unions is taking its lumps. John Fischer, former Editor of *Harpers Magazine*, and one of the country's best-known spokesmen for the traditional "liberal" philosophy, summed up the situation a few years ago in what he called "A Letter to a Young Leftist From a Tired Liberal." Speaking of his role in the militant liberal leadership of three decades earlier he wrote:

> "To us it seemed self-evident that the quickest route to universal reform was to muster all the unorganized workers into strong unions. They would then form the backbone of a liberal political movement, something like the Labor Party in England. The unions would pressure Congress into a radical remodeling of the economy, so that unemployment would become impossible. They would abolish racial discrimination in jobs and schools and housing. They would see to it that we kept out of all wars. Under the leadership of the intellectuals Organized Labor — with its newfound freedom, leisure, and money — would rejuvenate the arts and theater, toning up the soul and muscle of the whole American society.
>
> " . . . We won all the battles — but the victory didn't turn out to be quite as glorious as advertised.
>
> "Instead of becoming the shock troops of liberalism, the unions (with a very few exceptions) quickly petrified into lumps of reaction and special privilege. I don't need to tell you that some of them — notably in the construction trades — are the stubbornest opponents of integration, that they have no use for intellectuals, no interest in the arts, no cultural aspirations higher than the bowling alley; that none of their aged leaders, except Walter Reuther, has entertained a fresh political idea in twenty years. At their worst, as in the case of the Transport Workers Union of New York, they have turned pirate, using their monopoly power to torture millions of people (most of them workers) into paying ransom."

The outspoken liberal writer and ACLU leader, Nat Hentoff, takes strong exceptions to that group's stand on the Buckley case, and is himself preparing to support Buckley with an *amicus curiae* brief. In the current issue of the ACLU publication, "Civil Liberties," Hentoff made an appeal to fellow liberals:

> "Logically, the ACLU cannot have it both ways. If a broadcast journalist or commentator — and none yet so have in the cases under discussion — were to *act* on the principle that he cannot conscientiously pay any money at all to a union, he could be kept off any AFTRA-covered television or radio series in which he expresses his views. (And that means he could be kept off all networks and most stations in the country.)
>
> "All that the ACLU would do for such a conscientious objector, under present policy, is to *hope* that employers and unions would respect the principles of the conscientious objector.
>
> "What a vaporous First Amendment position for the ACLU, of all organizations, to take!
>
> "Remember too that it is not just William Buckley and the sincerity of his principles that are at issue here. (I believe in the sincerity of Buckley's principles, by the way, and wish, perhaps presumptuously, that he had carried them all the way and refused to continue paying money to AFTRA. As a result, his particular case would have been, I hope, more difficult for the ACLU to have evaded.) What if another broadcast journalist or commentator were to express similar conscientious objection because of principled anarchist views of a certain kind, let us say? If he were to follow through and were then knocked off the air, he could not come to the ACLU for defense either, even though prior restraint were being exercised against his right to express his views on the air."

He concluded:

> "I would be eager to hear from any ACLU member concerning this way of balancing by the National Board of the First Amendment against the constitutionality of collective bargaining and of the union shop. I would especially welcome any journalists and/or broadcasters, who believe as I do, to join with me in an *amicus* action in the Buckley case on behalf of the First Amendment."

New Left columnist Nicholas von Hoffman is a frequent critic of the old guard union establishment. Here are excerpts from his April 2 column in the *Washington Post:*

> "Philadelphia — They're crawling out from under the ruins of one of the biggest and longest public employee strikes in American history here. After 11 weeks of closed schools, the kids were the losers, but people around town aren't so certain about who won . . . .
>
> "Essentially, Mayor Rizzo is backing away from urban pie-in-the-sky programs like Model Cities, in favor of holding the taxes steady and increasing government efficiency while supplying high quality basic services in sanitation, police, fire and education.
>
> "That can't happen with the modern government union's credo of less work, worse work and much more pay."

One final point in laying out the background for the subject of my brief talk today: A classic sophistry which too frequently obfuscates any serious discussion of individual rights is the claim that it is possible to distinguish human rights from property rights. You have heard the pious assertions of those who claim they "place human rights above property rights." Lewis Powell, now a Justice of the Supreme Court, treated that subject in a paper some two years ago in a statement I want to share with you today:

> "The threat to the enterprise system is not merely a matter of economics. It also is a threat to individual freedom. . . . There seems to be little awareness that the only alternatives to free enterprise are varying degrees of bureaucratic regulations of individual freedom — ranging from that under moderate socialism to the iron heel of the leftist or rightist dictatorship."

Now, before my time is completely used up, I do want to discuss

the subject of this talk: "Is Monopoly in the American Tradition?"

The experience of our nation for the past 38 years with federal regulation of labor-management relations provides an excellent field for exploration of that question. During the first three decades of this century, concurrent with its rapid industrialization, our country experienced a growing amount of labor unrest. The public was led to the conclusion that, due to concentrations of power in the business and industrial community, some counterbalancing force was needed on the side of organized labor. No serious effort was made, to my knowledge, to identify areas in which special privileges extended to industry by government had created this imbalance. Instead of seeking solutions which would diffuse government-protected concentrations of industry power and which would enhance individual freedom, our country decided to create a new monopoly power to offset what was interpreted as excessive power in the hands of business. In the early 1930's, Congress set about to fashion a national labor policy specifically designed to place the power of government on the side of union organizers. This policy did not even profess to be even-handed in balancing the rights of non-union employees and employers against the rights of the union. The policy was openly designed to tip the balance in favor of the union organizer. Several attempts were made in an effort to implement this policy in law — the Norris-LaGuardia Act, the National Industrial Recovery Act, and others. Finally, in 1935, with the passage of the Wagner Act, the basic labor policy which continues in this country today was established. That law — the National Labor Relations Act — extended vast new powers and privileges to the organizers of labor unions — powers and privileges which were given at the expense of individual employees and employers. The two cornerstones of that policy are exclusive representation, and compulsory unionism. Exclusive representation, a privilege avidly sought and defended by union officials, is an arrangement which confers on a labor union the sovereign power of government — a power extended to no other private organization in our society. It provides that, when a union achieves the support of 50 per cent plus 1 of the employees in a bargaining unit, it thereby gains sovereignty, insofar as wages, hours, and working conditions are concerned, over *all employees* including those who do not wish to be represented by the union. Exclusive representation compels the employee, who may have been on the job years before the union came along, to accept that union as his exclusive agent in dealing with his employer. The second foundation stone of special privilege, compulsory unionism, gives union officials the sovereign power to tax — to compel a worker who doesn't wish to be represented by that union to buy from the union agent the privilege of keeping his job.

Yes, the Wagner Act put the United States government in the business of organizing labor unions!

In 1947, the Taft-Hartley Act, a set of modifications to the Wagner Act, was enacted. Passage of Taft-Hartley was presumed to be a great victory in the effort to curtail excessive union power. But was it really? The Taft-Hartley Act was desirable legislation, but it made no fundamental change in the special privileges extended to union organizers. The principal effect of the Taft-Hartley Act was to move the subject of employer-employee relations more squarely into the center of the political arena — to give the federal government a dominant role in settling labor disputes. Since government was empowered to call the shots in a labor dispute, this meant that control of the machinery of government became far more important to union officials in expanding their power and income. The result was that political action has become the top priority in union affairs today, a fact candidly acknowledged by professional unionists.

In 1959, Congress passed the Landrum-Griffin Act, also billed as a major restraint on excessive union power. But Landrum-Griffin did nothing about curtailing the basic special union privileges. Instead, it was an attempt by government to intervene in the internal affairs of unions to protect the rights of individual workers from flagrant abuses they suffered as a result of legal privileges extended to union officials twenty-five years earlier.

Government power remained vested heavily on the side of the union organizer — and with increasing control of government, union officials continued to expand their influence. We've reached the point today where many people in government, privately critical of excessive union power, despair of doing anything effective to control it. The dimensions of the union political behemoth are indeed impressive. Union officials now take in a total of two billion dollars a year in dues, more than three-fourths of it from workers who would be fired from their jobs if they failed to pay the union. Enormous amounts of this money are used to elect and control public officials at all levels of government. The respected labor columnist, Victor Riesel — himself a friend of organized labor — conservatively estimates union expenditures in last year's political campaign at fifty million dollars — and that's a year when union officialdom was supposedly "sitting out" the Presidential campaign.

Today our country's economic system is suffering a variety of serious ills— enormous trade deficits, unprecedented weakness of the American dollar abroad, and runaway inflation which seems to be controllable only by strait-jacket wage and price regulation. The noted writer, John Davenport, former editor of *Barron's* and a former member of the board of *Fortune*, succinctly summarized our nation's economic dilemma when he wrote recently:

> "What ails the economy is not the free price and profit system as such but the fact that it is afflicted in a single sector by a powerful and pervasive monopoly element. I refer of course to the power of labor unions to force up wages and costs year after year without regard to general productivity advance . . .
>
> "The effective and courageous way to deal with union monopoly power is large-scale revision of our present permissive labor laws and their administration. This is the missing ingredient from the President's program and had it been undertaken in good time we might never have arrived at the present impasse.
>
> "The objective of sound labor reform is not to smash all unions, but to bring them back under the sweep of the law as it applies to other private associations and to individuals. Unions should be what they set out to be; namely purely *voluntary* organizations, purged of their present coercive and often violent practices."

And why is that ingredient missing from the President's program? The answer is clear: Mr. Nixon regards himself as a practical politician who deals with political realities. He recognizes and respects the enormous political clout of union bosses. He apparently believes it is necessary to accommodate himself to that kind of political muscle.

We don't agree with that assessment; we think that aggressive and dynamic Presidential leadership could mobilize latent public opposition to excessive union power.

But government turns on political decisions and few politicians are willing to stand up to the union political machine.

This situation has gotten so bad that Congress in recent years has wound up legislating settlements to individual labor disputes — especially in the railway industry. Now some companies are actually supporting legislation which would turn over to politically constituted third parties the power to write labor contracts for which those companies would be responsible. They call it compulsory arbitration. The fact that any company would willingly substitute it for their present condition indicates how bad the problems of union

power have become. Some "conservative" farm organizations like the American Farm Bureau Federation, panicked by the organizing activities of Cesar Chavez, are even supporting legislative proposals which would extend to union organizers in agriculture the same special privileges — and more — that have created this smothering union monopoly power in private industry.

And in the public sector, politicians in state after state are responding to the unrest created by union agitators by extending to those agitators the very same vast powers and privileges which were granted to union organizers in private industry in 1935.

"Is Monopoly in the American Tradition?" It seems very clear to me that the disastrous experience of our nation in consciously fostering monopoly in the area of labor organizations answers that question loud and clear! Monopoly is *not* in the public interest, even a monopoly created by government action with the finest motives. What I've given you today is not an encouraging picture. We're reaping the fruits of forty years of bad public policy, policy which has created a monopoly power apparently beyond control in the legislative arena and so politically powerful that not only can it perpetuate itself, but inexorably enlarge its area of special privilege.

Still, the outlook for curbing union monopoly is far from hopeless. The American public overwhelmingly opposes compulsory unionism. During the spring and summer of 1970, Congress was grappling in earnest with the postal reform question. The bill endorsed by both the Nixon Administration and the AFL-CIO hierarchy was written to authorize the forced unionization of postal workers. However, those powerful endorsements were nullified by deafening protests from the grassroots. Because the general public objected strongly to the authorization of compulsory unionism, the bill was amended to preserve freedom of choice for all postal workers. The key vote on this issue in the House of Representatives came just four months before the 1970 general election. Each House member clearly understood that his vote on the Right to Work amendment would influence the outcome of his bid for reelection. The question in his mind was: Shall I incur the wrath of union lobbyists in Washington or the wrath of the voters back home. After due deliberation, the House of Representatives by a margin of 226-159 voted *for* the Right to Work amendment. They thereby defied the vaunted political power of union professionals, and in November they demonstrated that union political power is often overrated.

I haven't offered you a solution today. I've offered you a problem and I challenge you to become a generation of problem solvers who will look with real skepticism on some of the sacred cows of past generations.

Through its track record on the subject of federal labor policy, I believe our generation has demonstrated that creation of a Frankenstein to deal with the problems of society does not, in the long run, serve the national interest. Rather, I suggest that the long record of history shows that maximizing individual freedom serves society best and that compromising individual liberty can be undertaken only at the risk of dreadful consequences at some point down the road of the future.

I have suggested to you today that the American people should take a hard look at the validity of *all* the special privileges extended by law to union organizers. As to the National Right to Work Committee, we occupy a middle ground. We are challenging one — and only one — of the broad range of special union privileges — the federal sanction of compulsory unionism. We think that this moderate step — the elimination of forced union membership — will, in itself, provide badly-needed self-discipline within the union movement. It will eliminate, in a large measure, the callous disregard of the rights of individual workers which is rampant throughout the union movement today.

We hope that each of you will join with us in standing firmly against any law which sanctions the concept that any American can be compelled to pay money to a private organization in order to earn a livelihood.

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Public Attitudes Toward Right to Work . . .

Results of Special
Questions Included in
ROPER REPORTS
for
THE NATIONAL RIGHT TO WORK COMMITTEE

The ROPER ORGANIZATION Inc.
One Park Avenue
New York, New York 10016

FOREWORD

Eleven special questions were asked for the National Right To Work Committee in the questionnaire for ROPER REPORTS Study #77-3. The results, the demographic characteristics, and an explanation of the methodology are included in this report.

This study was conducted among a nationwide cross section of 2,004 adults aged 18 and over. All interviews were made personally with respondents in their homes (for full details of the sampling procedures, see the Methodology section at the end). The field work was conducted February 12th to February 26th, 1977.

The results of these questions have not been made available to any subscriber to ROPER REPORTS.

The statistical tabulations are shown for each question asked. Each table shows the number of the question being reported and a synopsis of the question asked. The exact form and wording of the questions are shown on the following two pages. Base counts for all groups in the study are included with the tabulations.

20. Turning to another subject, have you heard of state laws called "Right to Work" laws?

Yes.....	1	(ASK 21a)	49/
No.....	2	(SKIP TO 21b)	
Don't know....	3	(SKIP TO 21b)	

21a. Are you in favor of Right to Work laws in states like this one, or are you opposed to Right to Work laws?

In favor of.....	1		50/
Opposed to.....	2	(SKIP TO 22)	
Don't know, no opinion.	3	(SKIP TO 22)	

21b. Some states have passed Right to Work laws which provide that a worker cannot be discharged from his job for either joining or not joining a union. Are you in favor of Right to Work laws in states like this one, or are you opposed to Right to Work laws?

In favor of.....	1	51/
Opposed to.....	2	
Don't know, no opinion.	3	

22. The law now permits that in some places in order to hold a job you can be required to belong to a union or pay dues. Some say the law should be changed so that no workers should be required to belong to a union or pay dues as a condition of employment. Do you agree that the law should be changed, or disagree?

Agree.....	1	52/
Disagree.....	2	
Don't know, no opinion..	3	

23. If Congress keeps Section 14(b) of the Taft-Hartley Act, it means that states can continue to have Right to Work laws if they want. If Congress repeals Section 14(b) of the Taft-Hartley Act, it means that states cannot have Right to Work laws. Which do you think Congress should do? Do you think Congress should keep Section 14(b) so that states can have Right to Work laws, or repeal Section 14(b) so that states cannot have Right to Work laws?

Congress should:

Keep Section 14(b).....	1	53/
Repeal Section 14(b).....	2	
Don't know, no opinion...	3	

24. In some states, public employees, including teachers, firemen, and policemen, are required to join or pay dues to a union as a condition of employment. Do you favor or oppose arrangements requiring public employees to support a union in order to work for the government?

Favor requiring public employees to support a union.....	1	54/
Oppose requiring public employees to support a union.....	2	
Don't know, no opinion.....	3	

25. When you see or hear reports of union-related acts of violence in the news, do you usually find such reports believable or do you usually find them exaggerated?

Usually find reports:

Believable.....	1	55/
Exaggerated.....	2	
Don't know, no opinion	3	

26. As it stands now, labor unions are permitted to represent all employees in a company unit. Do you believe that employees who do not want to be represented by a labor union should have the right to bargain for themselves, or not?

Employees not wanting to be represented by union:

Should have right to bargain for themselves.....	1	56/
Should not have right to bargain for themselves.....	2	
Don't know, no opinion.....	3	

27. As it now stands, federal law requires unions to represent all employees in a company unit. Do you feel federal law should be kept as it is or changed so unions would be required to represent only those workers who are willing to voluntarily join and pay dues to the union?

Federal law should be:

Kept as it is.....	1	57/
Changed.....	2	
Don't know, no opinion.....	3	

28. On building sites many unions represent different kinds of employees of contractors working there--electricians, carpenters, plumbers, and so forth. When one of the unions is striking against one of the contractors, which of these two rules do you think should apply? (HAND RESPONDENT CARD)

Rule A

The union should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site..... 1 58/

Rule B

The union should be allowed to picket the whole building site even if it stops work of all other contractors and employees.... 2

Don't know, no opinion..... 3

29. Many wage earners are required to pay union dues or fees as a condition of employment. As it stands now, union officials use some of these union dues and fees for a variety of political activities. Do you think the law should permit or should not permit this use of compulsory dues or fees to support political candidates favored by unions?

Law should permit use..... 1 59/

Law should not permit use..... 2

Don't know, no opinion..... 3

30. Which of these arrangements do you favor for workers in industry? (HAND RESPONDENT CARD)

a. A man can hold a job whether or not he belongs to a union..... 1 60/

b. A man can get a job if he doesn't already belong, but has to join after he is hired..... 2

c. A man can get a job only if he already belongs to a union..... 3

Don't know, no opinion..... 4

METHODOLOGY

Sample Size

A nationwide cross section of 2004 men and women, 18 years of age and over, was interviewed for Study #77-3.

Sampling Method

The sample interviewed in this study is a representative sample of the population of the Continental United States, age 18 and up--exclusive of institutionalized segments of the population (Army camps, nursing homes, prisons, etc.).

The sampling methodology employed is a multistage, stratified probability sample of interviewing locations.

At the first selection stage, 100 counties are selected at random proportionate to population after all the counties in the nation have been stratified by population size within geographic region. At the second stage, cities and towns within the sample counties are drawn at random proportionate to population. Where block statistics are available, blocks are drawn within the cities and towns at random proportionate to population. Where no block statistics are available, blocks or rural route segments are drawn at random.

A specified method of proceeding from the starting household was prescribed at the block (or route) level. Quotas for sex and age levels of respondents, as well as for employed women, were imposed in order to insure proper representation of each group in the sample. In addition, hours were restricted for interviewing men (after 5:00 on weekdays and weekends) in order to obtain proper representation for employment.

A validation is made by telephone of all interviewers' work by an outside organization.

Interviewing Dates

Interviewing on this study was started as soon as the interviewers received their materials--on February 12th. Interviewing was completed Saturday, February 26th.

Demographic Breakdowns

11 standardized breakdowns plus six additional key analysis groups are shown for every substantive question asked in this study. Certain of these demographic breaks require no comment, others do. Sex is recorded by interviewer observation. Age is asked. Income is reported total annual family income. Geographic area conforms to, but combines U.S. census regions. The Northeast is New England and the Middle Atlantic states. The Midwest is the East North Central and West North Central states. South is South Atlantic, East South Central and West South Central. West is the Mountain and the Pacific states.

Market size is a definition created by the A.C. Nielsen Company basically for marketing purposes. "A" markets are the major markets, "D" markets are the minor markets. "A" markets consist of all counties comprising the 25 largest metropolitan areas. "B" markets consist of all other counties that either individually have a population of

150,000 or more or form part of a metropolitan area having an aggregate population of 150,000 or more. "C" markets are all other counties having an individual population of 35,000 or more or forming part of a metropolitan area having a population of 35,000 or more. "D" markets are all remaining counties in the country.

Any college education causes a person to be included in the College category. Trade school or secretarial school following high school does not, however, count as college. Anyone with a 9th to 12th grade education (with or without additional trade school education) is included in High School. Anyone with an 8th grade education or less is included in Grade. Since these are self-reported education levels, they are subject to some exaggeration.

Occupation relates to the respondent interviewed, not to the head of the household. Titled executives and members of professions are included in the executive, professional category. In addition, owners of farms, owners of small businesses and higher ranking military personnel are included in Executive and Professional. White Collar ranges from retail sales clerks to minor administrative office personnel to travelling salesmen to lab technicians and the like, and would include such people as junior officers in the military. Blue Collar includes all other employed people both skilled and unskilled. It would include lathe workers, janitors, firemen, policemen, taxi drivers, etc. People whose occupations are housewife or unemployed or student or retired are not shown but are included in the total sample and are both included and classified according to other demographic breakdowns (sex, age, etc.). Most of these other "occupational" groups are statistically too small to show separately and it would be meaningless to combine them. Moreover, we have tried to compress as many meaningful breaks into two pages of computer print-out as possible. We have, therefore, eliminated various smaller subgroups or meaningless combinations of subgroups from the demographic breaks.

Smaller "religious" groups such as Jews on the one hand or atheists on the other are too small to show separately and would be meaningless to show combined and hence the "Religion" breakdown is confined to Protestants and Catholics. Jews, Mohammadens, atheists, etc. are included in the sample, however--both in the total sample and in other demographic columns in which they properly belong (women, whites, Northeast, etc.).

Members of minor political parties and those who refuse to identify their party affiliation are not shown.

Political philosophy is based on how people regard their own political/social outlooks--as being conservative (very or moderately so), middle-of-the-road, or liberal (very or moderately so).

Other key analysis groups

A Political/Social activity index was built out of responses to a list of activities respondents reported having engaged in in the last year--such things as having run for political office, having written a letter to the editor, having made a speech, or written an article, having worked in a political campaign, being an officer of a civic or fraternal organization, signed a petition, etc. "Signed a petition" was put on the list largely so that anyone who wanted to say he had done something would have something to say he had done. All responses to "signed a petition" were ignored in building this scale. Respondents who did three or more of the things on the list (beyond signing a petition) are classified as "Pol/Soc Active"--and may be roughly equated with "thought leaders."

Union members are respondents who report they themselves belong to a union. (Non-union family members of union people are not included.)

People with children both under and over 13 years old will be included in both columns.

Employed females include both full time and part time workers.

Singles include both unmarried men and women. Those widowed, divorced and separated are included in the sample, but are neither counted as "singles" nor shown separately.

Percentages Not Totalling 100%

The computer rounds off each percentage to the nearest whole percent. As a result, the percentages in a given column of figures frequently add to 98, 99, 101, 102 rather than 100.

Where a question permits multiple answers, percentages may add to 130, 185, 210, or even more, depending on the number of answers each respondent gives.

Dashes (-) are used when answers fall below 0.5% among a given subgroup.

BASE COUNTS: TOTAL SAMPLE

		SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
	TOTAL	MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHTE	BLCK	NE	MW	SO	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
TOTAL	2004	943	1061	595	510	479	420	394	510	550	548	1745	230	482	541	641	340	781	645	460	120
	100%	47%	53%	30%	25%	24%	21%	20%	25%	27%	27%	87%	11%	24%	27%	32%	17%	39%	32%	23%	6%

BASE COUNTS: TOTAL SAMPLE

		EDUCATION			OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
																		HAVE KIDS			
	TOTAL	COLL	HS	GRDE	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	POL-SOC ACTV	UNION MBRS	UND 13	13-18	EMPL FEMS	SING GLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
TOTAL	2004	637	1048	318	223	298	552	1175	551	987	438	523	789	649	441	233	300	781	466	453	301
	100%	32%	52%	16%	11%	15%	28%	59%	27%	49%	22%	26%	39%	32%	22%	12%	15%	37%	23%	22%	15%

Q.20 - WHETHER RESPONDENT HAS HEARD OF RIGHT TO WORK LAWS

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHTE	RACE: BLCK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: NW	GEOGRAPHIC AREA: SO	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
YES, HAVE HEARD OF "RIGHT TO WORK" LAWS	65	71	59	52	68	73	65	49	58	63	74	66	45	69	66	66	70	53	69	70	58
NO, HAVE NOT HEARD OF "RIGHT TO WORK" LAWS	31	28	37	41	31	22	27	40	36	30	21	29	42	29	29	27	23	36	28	25	40
DON'T KNOW/NO ANSWER	7	5	8	7	5	5	10	11	6	7	5	6	13	9	5	7	6	10	5	5	2

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDE	OCCUPATION: EXEC PROF	OCCUPATION: WHTE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: LABOR UNION MEMB	OTHER KEY ANALYSIS GROUPS: HAVE KIDS UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS 13-18	OTHER KEY ANALYSIS GROUPS: EMPL PERS	OTHER KEY ANALYSIS GROUPS: SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
YES, HAVE HEARD OF "RIGHT TO WORK" LAWS	63	74	60	47	83	68	62	67	55	61	71	63	68	65	62	82	75	62	64	59	47
NO, HAVE NOT HEARD OF "RIGHT TO WORK" LAWS	31	20	34	42	12	28	33	27	38	32	23	31	26	30	32	16	20	32	28	35	45
DON'T KNOW/NO ANSWER	7	6	6	11	5	8	5	5	6	7	6	7	6	7	6	2	5	6	8	7	9

Q.21A = WHETHER IN FAVOR OF OR OPPOSED TO RIGHT TO WORK LAWS IN RESPONDENT'S STATE
(ASKED OF RESPONDENTS WHO HAVE HEARD OF RIGHT TO WORK LAWS IN RESPONDENT'S STATE)

		SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
	TOTAL	MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M - UND 12M	12M+ UND 18M	18M+	WHTE	BLCK	NE	MW	SU	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	** %
IN FAVOR OF	69	67	71	71	65	68	71	75	67	66	70	68	75	70	71	72	59	67	72	68	63
OPPOSED TO	14	20	8	10	16	17	14	14	14	14	16	15	11	11	15	10	24	16	15	11	17
DON'T KNOW/NO OPINION	15	12	18	17	16	14	12	12	16	17	13	15	13	14	14	15	16	16	11	17	20
NO ANSWER	2	2	2	2	3	1	2	1	3	3	1	2	1	4	1	3	-	1	2	3	-

		EDUCATION		OCCUPATION				RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
																		HAVE KIDS			
	TOTAL	COLL	HS	GRDL	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	POL-SOC ACTV	UN-ION MBRS	UND 13	13-18	EMPL FEMS	SIN-GLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
IN FAVOR OF	69	69	70	66	70	68	67	70	68	66	73	68	70	68	68	78	58	65	72	72	76
OPPOSED TO	14	13	14	17	15	12	18	13	16	17	13	12	13	14	18	13	26	14	14	9	11
DON'T KNOW/NO OPINION	15	17	13	14	13	19	15	15	14	14	13	19	14	17	13	11	14	18	13	18	11
NO ANSWER	2	1	3	3	2	4	2	2	3	3	1	2	3	1	1	2	2	3	1	3	1

Q.21B = WHETHER IN FAVOR OF OR OPPOSED TO RIGHT TO WORK LAWS
(ASKED OF RESPONDENTS WHO HAVE NOT HEARD OF RIGHT TO WORK LAWS)

		SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
	TOTAL	MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHITE	BLCK	NE	NW	SU	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	**%
IN FAVOR OF	64	67	62	70	68	63	49	55	64	65	75	65	62	60	69	65	63	57	75	72	58
OPPOSED TO	12	16	10	14	11	9	12	9	12	16	12	14	7	14	10	11	14	12	13	12	10
DON'T KNOW/NO OPINION	21	14	25	13	19	23	34	35	18	17	10	18	29	24	17	20	22	29	8	13	30
NO ANSWER	3	3	3	2	2	5	5	2	6	2	3	3	2	2	3	3	1	2	4	4	6

		EDUCATION			OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
																		HAVE KIDS			
	TOTAL	COLL	HS	GRDE	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	POL-SOC ACTV	UNION MBRS	UND 13	13-18	EMPL FEMS	SINGLES
	%	%	%	%	** %	%	**%	%	%	%	%	%	%	%	%	**%	**%	%	%	%	%
IN FAVOR OF	64	76	65	47	76	72	66	66	59	64	65	65	64	67	67	68	67	67	71	69	72
OPPOSED TO	12	10	13	15	8	11	17	10	17	12	17	10	16	12	12	15	17	11	10	10	12
DON'T KNOW/NO OPINION	21	11	19	35	5	16	15	19	22	22	15	19	18	17	19	10	13	21	18	18	13
NO ANSWER	3	2	3	4	11	2	2	4	2	2	3	5	2	5	1	7	3	1	1	3	2

Q.22 - WHETHER LAW REQUIRING UNION MEMBERSHIP FOR EMPLOYMENT SHOULD BE CHANGED

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHITE	RACE: BLCK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: MW	GEOGRAPHIC AREA: SO	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
AGREE THAT LAW SHOULD BE CHANGED	63	63	62	67	66	58	58	51	62	64	71	64	53	61	62	65	61	59	67	65	58
DISAGREE THAT LAW SHOULD BE CHANGED	24	26	21	21	24	28	23	22	25	25	22	25	17	23	24	21	28	21	25	25	28
DON'T KNOW/NO OPINION	13	10	16	12	10	14	19	27	13	11	7	11	30	16	13	13	11	20	7	10	14
NO ANSWER	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDC	OCCUPATION: EXEC PROF	OCCUPATION: WHITE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: POL-SOC ACTV	OTHER KEY ANALYSIS GROUPS: UN-ION MBRS	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: 13-18	OTHER KEY ANALYSIS GROUPS: EMPL FEMS	OTHER KEY ANALYSIS GROUPS: SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
AGREE THAT LAW SHOULD BE CHANGED	63	74	60	50	71	72	61	63	62	60	69	64	66	61	63	73	53	66	64	67	67
DISAGREE THAT LAW SHOULD BE CHANGED	24	19	27	23	22	19	28	24	24	25	22	22	22	27	24	21	38	22	24	21	20
DON'T KNOW/NO OPINION	13	7	13	27	6	8	12	13	13	14	9	13	11	12	13	6	8	12	12	12	13
NO ANSWER	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	1

Q.23 • WHETHER CONGRESS SHOULD KEEP SECTION 14(B) OR REPEAL SECTION 14(B)

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHITE	RACE: BLCK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: NW	GEOGRAPHIC AREA: SU	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
KEEP SECTION 14(B)	68	70	66	71	69	67	62	57	67	69	74	69	60	61	71	72	64	59	76	70	70
REPEAL SECTION 14(B)	14	18	10	13	13	17	12	13	13	15	14	15	10	15	11	12	22	15	13	10	15
DON'T KNOW/NO OPINION	18	12	24	16	18	15	25	29	20	16	11	16	30	24	18	17	14	26	11	17	15
NO ANSWER	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDC	OCCUPATION: EXEC PROF	OCCUPATION: WHTE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: POL-BUC ACTV	OTHER KEY ANALYSIS GROUPS: UN-ION MBRS	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: 13-18	OTHER KEY ANALYSIS GROUPS: EMPL FEMS	OTHER KEY ANALYSIS GROUPS: SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
KEEP SECTION 14(B)	68	74	68	53	82	71	66	69	66	66	73	69	71	67	68	73	63	67	68	69	72
REPEAL SECTION 14(B)	14	14	13	15	10	14	17	13	13	16	11	12	14	14	16	18	25	14	14	11	12
DON'T KNOW/NO OPINION	18	12	19	32	8	15	17	17	20	18	16	19	15	19	15	9	14	19	18	20	16
NO ANSWER	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	1

Question 23

Q.24 - WHETHER FAVOR OR OPPOSE REQUIRING PUBLIC EMPLOYEES TO SUPPORT A UNION

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHTE	RACE: BLCK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: MW	GEOGRAPHIC AREA: SO	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
FAVOR	17	20	13	17	17	17	16	13	18	19	15	16	19	18	16	15	19	18	18	15	7
OPPOSE	69	68	69	70	68	70	65	59	67	69	76	72	67	58	69	72	74	59	74	74	80
DON'T KNOW/NO OPINION	15	12	17	13	14	13	19	26	14	11	9	12	15	23	15	12	7	23	7	10	13
NO ANSWER	-	-	-	-	-	-	-	1	-	-	-	-	-	1	-	-	-	-	-	-	-

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDE	OCCUPATION: EXEC PROF	OCCUPATION: WHTE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: POL-SOC ACTV	OTHER KEY ANALYSIS GROUPS: UN-ION MBRS	OTHER KEY ANALYSIS GROUPS: HAVE KIDS UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS 13-18	OTHER KEY ANALYSIS GROUPS: EMPL FEMS	OTHER KEY ANALYSIS GROUPS: SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
FAVOR	17	13	19	15	11	14	22	15	21	19	12	16	15	20	16	19	34	15	21	15	20
OPPOSE	69	79	66	56	82	76	64	71	64	64	77	71	73	67	69	76	54	70	66	71	65
DON'T KNOW/NO OPINION	15	8	14	28	7	11	15	13	15	16	11	13	12	13	15	10	11	15	14	14	14
NO ANSWER	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1

Q.25 - REPORTS OF UNION-RELATED ACTS OF VIOLENCE IN THE NEWS: BELIEVABLE OR EXAGGERATED

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHTE	RACE: BLCK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: MW	GEOGRAPHIC AREA: SO	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
BELIEVABLE	52	54	51	55	56	53	43	47	48	53	61	53	44	49	54	49	61	49	58	54	38
EXAGGERATED	33	34	32	31	31	34	37	32	36	34	29	34	31	30	34	35	32	31	32	35	43
DON'T KNOW/NO OPINION	14	11	17	13	13	12	20	21	16	13	10	13	25	21	12	15	7	19	9	11	20
NO ANSWER	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDE	OCCUPATION: EXEC PROF	OCCUPATION: WHTE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: POL-SOC ACTV	OTHER KEY ANALYSIS GROUPS: UN-ION HSHS	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: 13-18	OTHER KEY ANALYSIS GROUPS: EMPL PERS	OTHER KEY ANALYSIS GROUPS: SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
BELIEVABLE	52	65	50	36	63	61	50	53	51	49	60	54	57	50	53	66	49	55	52	55	55
EXAGGERATED	33	26	36	38	29	27	38	34	32	36	28	30	32	36	34	29	41	31	33	32	30
DON'T KNOW/NO OPINION	14	9	14	26	8	13	12	13	16	14	12	16	11	14	13	6	10	14	15	14	14
NO ANSWER	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1

Question 25

Q.26 - WHETHER EMPLOYEES NOT WANTING UNION REPRESENTATION SHOULD HAVE RIGHT TO BARGAIN FOR THEMSELVES

	TOTAL	SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
		MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHITE	BLCK	NE	MW	SU	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
SHOULD HAVE RIGHT TO BARGAIN FOR THEMSELVES	70	69	71	75	71	69	65	65	71	71	74	72	56	67	67	75	72	65	71	76	78
SHOULD NOT HAVE RIGHT TO BARGAIN FOR THEMSELVES	18	21	15	14	19	20	19	15	17	19	19	18	18	17	21	14	20	18	20	17	13
DON'T KNOW/NO OPINION	12	9	14	10	10	11	17	20	12	9	7	10	26	16	11	11	7	17	9	7	8
NO ANSWER	-	1	-	1	-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-

	TOTAL	EDUCATION			OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
		COLL	HS	GRDE	EXEC PROF	WHITE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	POL-SOC ACTV	UNION MBRS	HAVE KIDS UND 13	HAVE KIDS 13-18	EMPL FEMS	SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
SHOULD HAVE RIGHT TO BARGAIN FOR THEMSELVES	70	75	70	61	72	78	70	71	71	69	75	71	72	72	73	74	58	72	68	77	72
SHOULD NOT HAVE RIGHT TO BARGAIN FOR THEMSELVES	18	17	18	18	20	16	22	18	17	20	16	15	17	19	17	19	33	17	20	14	15
DON'T KNOW/NO OPINION	12	7	11	20	7	6	8	11	11	11	9	13	11	9	10	7	8	11	12	9	12
NO ANSWER	-	-	-	-	1	-	-	-	1	-	-	-	-	-	-	-	1	-	-	-	1

Q.27 - WHETHER FEDERAL LAW REQUIRING EMPLOYEE UNION REPRESENTATION AS A UNIT SHOULD BE KEPT OR CHANGED

	TOTAL	SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
		MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHTE	BLCK	NE	NW	SO	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
KEPT AS IT IS	33	36	29	28	35	36	35	31	35	33	31	33	33	28	37	31	36	32	34	31	34
CHANGED	49	50	47	55	51	47	39	35	45	52	59	52	27	45	46	52	52	40	55	53	52
DUN'T KNOW/NO OPINION	18	13	23	17	14	17	25	32	20	14	10	15	40	27	17	17	12	27	10	15	13
NO ANSWER	1	1	-	1	-	1	-	1	1	1	-	1	-	-	1	1	1	1	1	-	1

	TOTAL	EDUCATION		OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
		COLL	HS	GROC	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	PUB-SEC ACTV	UNION MBRS	HAVE KIDS UND 13	HAVE KIDS 13-18	EMPL FEMS	SINGLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
KEPT AS IT IS	33	35	32	30	38	30	37	35	29	35	31	30	32	35	32	33	44	30	33	33	30
CHANGED	49	54	49	38	57	58	48	48	52	45	55	52	52	47	52	57	39	51	50	51	51
DUN'T KNOW/NO OPINION	18	11	19	32	9	12	15	17	19	20	13	18	16	17	16	10	12	18	17	16	18
NO ANSWER	1	1	-	1	1	-	-	1	-	1	-	1	-	1	1	-	1	-	1	-	1

Q.28 - WHETHER UNION SHOULD BE ALLOWED TO PICKET SPECIFIC CONTRACTOR IN A STRIKE OR THE WHOLE BUILDING SITE

		SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
	TOTAL	MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHTE	BLCK	NE	MW	SO	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
UNION SHOULD ONLY BE ALLOWED TO PICKET CONTRACTOR IN SPECIFIC DISPUTE	77	76	77	78	77	77	75	69	75	75	86	80	57	72	79	77	79	70	80	83	83
UNION SHOULD BE ALLOWED TO PICKET THE WHOLE BUILDING SITE	12	16	8	13	12	15	9	10	12	15	10	11	16	10	12	12	15	15	13	10	8
DON'T KNOW/NO OPINION	11	7	14	9	10	10	16	21	12	10	4	9	27	18	9	11	6	17	7	7	9
NO ANSWER	*	*	*	1	*	*	*	*	1	*	*	*	*	*	1	*	*	*	*	*	*

		EDUCATION			OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
																		HAVE KIDS			
	TOTAL	COLL	HS	GRDC	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	POL-SOC ACTV	UN-ION HSHS	UND 13	13-18	EMPL FEMS	SING-LES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
UNION SHOULD ONLY BE ALLOWED TO PICKET CONTRACTOR IN SPECIFIC DISPUTE	77	86	75	64	87	83	73	78	75	73	84	79	80	78	76	84	64	76	73	81	79
UNION SHOULD BE ALLOWED TO PICKET THE WHOLE BUILDING SITE	12	10	13	12	7	10	19	11	13	14	9	11	10	12	14	12	30	13	15	9	12
DON'T KNOW/NO OPINION	11	4	11	23	4	8	8	10	11	12	7	10	9	10	9	3	5	11	12	10	8
NO ANSWER	*	*	*	1	1	*	*	*	1	*	*	*	*	*	1	1	*	*	*	*	1

Q.29 - WHETHER LAW SHOULD PERMIT USE OF COMPULSORY UNION DUES TO SUPPORT POLITICAL CANDIDATE FAVORED BY UNION

	TOTAL	SEX: MALE	SEX: FEM	AGE: 18-29	AGE: 30-44	AGE: 45-59	AGE: 60+	INCOME: UND 6M	INCOME: 6M-UND 12M	INCOME: 12M-UND 18M	INCOME: 18M+	RACE: WHITE	RACE: BLACK	GEOGRAPHIC AREA: NE	GEOGRAPHIC AREA: MW	GEOGRAPHIC AREA: SO	GEOGRAPHIC AREA: WST	MARKET SIZE: A	MARKET SIZE: B	MARKET SIZE: C	MARKET SIZE: D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
LAW SHOULD PERMIT USE	14	18	11	15	15	13	13	11	14	16	14	14	17	15	15	15	11	13	16	15	11
LAW SHOULD NOT PERMIT USE	72	72	72	73	72	75	68	64	72	72	78	75	50	65	72	72	82	67	76	74	73
DON'T KNOW/NO OPINION	13	10	16	12	12	11	18	24	13	11	7	10	34	19	13	13	6	19	7	10	16
NO ANSWER	-	-	1	-	-	-	1	-	1	1	1	1	-	1	-	1	-	-	1	-	-

	TOTAL	EDUCATION: COLL	EDUCATION: HS	EDUCATION: GRDE	OCCUPATION: EXEC PROF	OCCUPATION: WHITE COLL	OCCUPATION: BLUE COLL	RELIGION: PROT	RELIGION: CATH	POLITICAL AFFILIATION: DEM	POLITICAL AFFILIATION: REP	POLITICAL AFFILIATION: IND	POLITICAL PHILOSOPHY: CONS	POLITICAL PHILOSOPHY: MODR	POLITICAL PHILOSOPHY: LIBL	OTHER KEY ANALYSIS GROUPS: POL-SOC ACTV	OTHER KEY ANALYSIS GROUPS: UNION MBRS	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: UND 13	OTHER KEY ANALYSIS GROUPS: HAVE KIDS: 13-18	OTHER KEY ANALYSIS GROUPS: EMPL FEMS	OTHER KEY ANALYSIS GROUPS: SING GLLS
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
LAW SHOULD PERMIT USE	14	15	15	11	20	10	19	13	16	16	13	14	12	14	19	17	25	15	15	13	16
LAW SHOULD NOT PERMIT USE	72	76	72	63	74	81	71	75	70	69	78	74	77	73	69	74	67	71	71	75	72
DON'T KNOW/NO OPINION	13	8	13	25	5	9	10	12	13	15	9	11	11	11	12	8	7	14	14	11	11
NO ANSWER	-	1	-	-	1	-	-	-	1	1	-	1	-	1	-	1	1	-	-	-	1

Q.30 - WHICH OF VARIOUS ARRANGEMENTS FAVORED FOR WORKERS IN INDUSTRY

	TOTAL	SEX		AGE				INCOME				RACE		GEOGRAPHIC AREA				MARKET SIZE			
		MALE	FEM	18-29	30-44	45-59	60+	UND 6M	6M-UND 12M	12M-UND 18M	18M+	WHITE	BLCK	NE	MW	SO	WST	A	B	C	D
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
A MAN CAN HOLD A JOB WHETHER OR NOT HE BELONGS TO A UNION	73	69	76	78	72	72	68	69	73	70	79	75	57	67	72	80	69	65	74	81	80
A MAN CAN GET A JOB IF HE DOESN'T ALREADY BELONG, BUT HAS TO JOIN AFTER HIRED	18	25	12	15	20	20	19	16	19	22	16	18	25	20	17	14	26	20	21	14	13
A MAN CAN GET A JOB ONLY IF HE ALREADY BELONGS TO A UNION	1	1	1	1	1	1	1	1	1	1	1	1	2	1	1	1	2	1	1	1	1
DON'T KNOW/NO OPINION	6	5	7	4	5	5	10	11	6	5	2	5	13	9	6	4	4	10	3	3	4
NO ANSWER	2	1	3	2	2	2	2	3	2	1	2	2	4	3	3	2	-	4	1	1	2

	TOTAL	EDUCATION			OCCUPATION			RELIGION		POLITICAL AFFILIATION			POLITICAL PHILOSOPHY			OTHER KEY ANALYSIS GROUPS					
		COLL	HS	GRDE	EXEC PROF	WHTE COLL	BLUE COLL	PROT	CATH	DEM	REP	IND	CONS	MODR	LIBL	HAVE KIDS POL-SOC ACTV	HAVE KIDS UN-ION HHRS	HAVE KIDS UND 13	HAVE KIDS 13-18	EMPL FEMS	SING-GLES
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
A MAN CAN HOLD A JOB WHETHER OR NOT HE BELONGS TO A UNION	73	79	71	67	82	81	67	73	71	68	78	77	76	72	71	77	49	74	71	79	75
A MAN CAN GET A JOB IF HE DOESN'T ALREADY BELONG, BUT HAS TO JOIN AFTER HIRED	18	15	21	17	14	13	27	19	19	22	15	14	16	19	21	17	42	17	19	14	17
A MAN CAN GET A JOB ONLY IF HE ALREADY BELONGS TO A UNION	1	-	1	3	-	-	1	1	1	2	-	-	1	1	1	-	3	1	1	1	-
DON'T KNOW/NO OPINION	6	3	5	12	2	4	3	5	7	6	4	6	5	5	3	3	4	5	6	4	4
NO ANSWER	2	2	2	2	2	1	2	2	1	2	2	2	2	2	3	2	2	2	3	2	3

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