

The Right to Work

NATIONAL NEWSLETTER

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THE NORTH CAROLINA SUPREME COURT has ruled that a union shop contract signed under the Railway Labor Act as amended is legal, despite the North Carolina Right to Work Law which prohibits compulsory unionism.

The question came before the court in a suit brought by 10 Atlantic Coast Line Railroad workers against the railroad and 13 labor unions. The railroad had resisted signing, although it was named a party to the suit.

The plaintiffs sought to enjoin the company from entering into a union shop agreement making union membership compulsory for all employees. They had obtained a permanent restraining order in Hanover Superior Court, which was reversed on appeal by the unions.

Associate Justice William H. Bobbitt, author of the Supreme Court decision, said ...

"...the conclusion reached was the state constitutional and legislative provisions, such as those embodied in our 1947 (Right to Work) Act, are valid except to the extent they conflict with an Act of Congress enacted within the orbit of Congressional authority.

The justice made it clear that the decision did not void the state's right to work act "except to the extent Congress, in enacting labor legislation related to interstate commerce, has preempted the field."

Meanwhile, the Texas Supreme Court has delayed a decision on the Santa Fe Railway case pending the U. S. Supreme Court decision on the Union Pacific suit. It ordered the injunction granted by the trial court to be maintained in full force and effect, meanwhile. Santa Fe likewise had not signed union shop agreement, and suit was to enjoin such contract. Virginia Supreme Court this fall may also hear the case of two C&O Railroad employes fighting to prevent discharge under union shop agreement. Has agreed to review lower court decision which went against the men, but no date was set.

Nebraska Supreme Court ruled during summer Union Pacific Railroad was wrong in discharging employes who refused to join union, despite union shop contract signed by railroad.

This court held that the freedom guaranteed by the First Amendment to the Constitution "to join or not to join in association with others for whatever purposes such association is lawfully organized," left Congress without authority to require that railroad employes in Nebraska might, contrary to state law, be required to join a union.

All these cases, perhaps others, may come before U. S. Supreme Court in joint hearing to determine constitutionality of amendment to Railway Labor Act permitting union shop contracts on railroads and airlines.

AMERICANS MUST HAVE THE RIGHT, BUT NOT BE COMPELLED TO JOIN LABOR UNIONS

3,000 MORE--A five column black headline in The Machinist, weekly newspaper of the International Association of Machinists, brags of winning a "full union shop at Underwood, world's largest typewriter plant," and the story says that for the first time the 3,000 employees in the Hartford, Conn., area will now be forced to join the Machinists union or lose their jobs.

It also claimed 13 other concessions won, such as wage increases, additional vacations, etc., but headlined and led off the story with the compulsory unionism the negotiators were able to force on management and their fellow workers.

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VOLUNTARISM FOR UNIONS!—Mr. John L. Lewis, with his comment that the AFL-CIO merger, as proposed, would have the lasting endurance of a "rope of sand" touched off an interesting comment in the AFL News Reporter.

Declaring that the term was first employed by Lenin in an open letter to American workers, the paper added:

"Lenin's criticism was based upon the loose, autonomous structure of the federation and its basic principle of voluntarism. Yet, as (Samuel) Gompers predicted, voluntarism proved to be the great strength of the federation.

"Recognizing this truth, the leaders of the AFL and CIO carefully preserved the principle of voluntarism in the charter proposed for the new merged organization..."

The underscoring above is added. We merely suggest that statements such as these sometime leave those who really believe in voluntary unionism more than a little confused.

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CONCESSION--The National Right to Work Committee believes that management which signs away the rights of its workers to join or not to join a union is destroying a basic American freedom, just as is the union leader or organizer who forces it.

A recent survey by the Wisconsin State Chamber of Commerce is worth considering. It disclosed that of 50 plants, large and small, responding to a confidential poll, 84 per cent said they had signed union shop contracts "as a concession" to the unions so they could stay in business.

The Madison State Journal quoted the Chamber's statement as saying that all but one of the firms replying said they would not oppose a Right to Work law for Wisconsin, and added:

"We are now reasonably certain," the Chamber said, "that the employer who is put in the position of forcing compulsory unionism on a minority of his employees doesn't especially relish the function."

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GROWING EVIL—The Department of Labor made a study of 1,716 union contracts in effect during 1954 and found that nearly two thirds, affecting almost five million workers, contained union shop clauses. Another 14 per cent had maintenance of membership clauses. This study only included contracts affecting 1,000 or more persons--and not all of them--and thus does not give a full national picture, but the percentage relation it discloses is alarming.

For a full report of the study see Monthly Labor Review, U. S. Department of Labor (BLS), June 1955, Vol. 78, No. 6.

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ONE STATE'S EXPERIENCE—Mr. David W. Swarr, leading Omaha, Nebr., attorney who has been an active supporter of that state's right to work law, recently made some interesting observations as to its effect on labor-management matters. Speaking in Seattle, Washington, he declared:

"Some Companies in our state, especially in packing, some types of printing, and construction industries, still have 100% union membership, voluntarily. Some, as in the steel-fabricating trades, are from 65% to 80% unionized, with a voluntary checkoff of dues. Employers in Washington may wonder what difference the Right to Work law has made.

"I think the big difference is that union officials and employers have acquired mutual respect due to more responsible union

leadership. The ability of members to dissent by refusing to pay dues and getting out of poorly managed unions is the essential factor.

"There is less drive by union officials for unreasonable things. There have been fewer strikes since strikes must have the support of the rank and file. There is no harassment of non-consenting employes after a strike is over.

"The public, including union members, has discovered that compulsory union membership is an attempt to set up a sovereign state within a sovereign state. It is a case of one fellow paying the wages, another calling the shots. It attracts the labor racketeers just like honey attracts the flies.

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WISCONSIN--A strong effort was made to put a Right to Work bill through the fall session of the Wisconsin legislature. However, determined union opposition from the state's highly industrialized areas was apparently too much, and latest reports were that the measure would not be introduced.

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MASSACHUSETTS--Arthur W. Woodman, State House correspondent for a number of Massachusetts papers, reports that "advocates of state laws guaranteeing individuals the right to work without belonging to a labor union are mulling over plans for a new drive." Although such a bill was soundly defeated in this session of the legislature, Woodman said that "privately most Republican legislators--and a group of Democrats--admitted that there was justice in such legislation." He further pointed out that often a repeated request for legislation will pass a second session of the same Massachusetts legislature which previously voted for its rejection.

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NEW UNION--Non-operating railroad workers on the Louisville and Nashville Railroad, many of whom refused to go out on the recent strike called by their unions in an attempt to force compulsory health and welfare program on them, have formed a new local union affiliated with the United Railroad Operating Crafts--which stands firmly against compulsory union membership.

A statement handed out after organization of the new local declared their action "comes from a growing resentment among the rank and file membership over the steadily growing power and dictatorial trends of the national leadership over the affairs of the locals and the individual members, beginning in 1947 with political handling of phases of the Railroad Retirement Act and climaxed by the programs of compulsory union membership (Union Shop) and compulsory health and welfare."

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INTERNATIONAL ATTENTION--Two speeches before the recent Philadelphia session of the American Bar Association have attracted wide attention, including editorial comment in many leading newspapers. Together they have helped a great deal in awakening people to the evils of compulsory unionism.

One was by an Englishman, the other by an American.

THE RIGHT HONORABLE LORD JUSTICE DENNING, Lord Justice of Appeal of England, declared that trade unions in both countries provide workmen with greater bargaining power, but also lead to the closed shop "where a man has no right to work unless he is a member of a particular trade union."

This, he added, "leads to private tribunals where a man can be punished without any recourse to the courts of law."

"When a man joins a trade union he is bound by the rules," he declared. "They are said to be a contract between the men themselves and between them and the union. But they are in no sense a contract freely negotiated. A man must accept them or go without employment..."

"I suggest that where the law falls short is that it puts too much emphasis on the supposed contract between the man and his union and too little emphasis on his right to work.

"A man's right to work is just as important to him, indeed more important, than his right of property. If his rights of property are invaded, the courts have well-known causes of action to protect him. His house, his furniture and his investments are all well safe-guarded by law.

"But his right to work is left open to marauders. If he is wrongfully deprived of his right to work, the courts should intervene to protect him. They should also protect him against wrongful exclusion by his union."

Lord Justice Denning added that British trade union leaders were coming to recognize the failure of attempting to hold their members involuntarily, and quoted the chairman of the British Trade Unions Congress, Mr. Charles Geddes, as admitting:

"I do not believe the trade union movement of Great Britain can live for very much longer on the basis of compulsion."

"Must people belong to us or starve, whether they like our policies or not? Is that to be the future of the movement? No. I believe the trade union card is an honor to be conferred, not a badge which signifies that you have got to do something whether you like it or not."

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MR. J. C. GIBSON, vice president and general counsel of the Santa Fe Railroad, speaking to a section of the same body, summarized the legal and constitutional aspects of the right to work issue in America, and pointed out:

"The growing controversy over the state right to work laws reflects an increasing awareness of the true significance of the closed shop, the union shop, and every other form of compulsory union membership. It reflects an awareness of a threat to our free way of life inherent in compelling a man to join a private organization before he can hold any sort of job in industry..."

"Here, as in every other instance through the centuries, an attempt is being made to justify the deprivation of individual liberty on the grounds that it is in the best interests of everyone, including those whose rights are being curtailed or taken away. But in this case, as in so many others, the reasons advanced are insufficient..."

"When the consideration favoring complete freedom for the individual to determine for himself without coercion whether or not to join a union are weighed against those asserted on the other side, the balance is inescapably in favor of individual rights."

NATIONAL RIGHT TO WORK COMMITTEE

MEMBERSHIP APPLICATION

TO: FRED A. HARTLEY, JR, President
National Right to Work Committee
35 Rust Building, Washington 5, D.C.

I am interested in the work of the National Right to Work Committee, and its campaign for the principle: "Americans Must Have the Right, But Not Be Compelled to join Labor Unions." Please send me additional information on this subject, and let me know how I can join the committee and help in this vital fight against forcing anyone to contribute to a private organization for the right to work.

[Attach names and addresses of persons you would like to receive copies of this newsletter.]

NAME _____

ADDRESS _____

CITY AND STATE _____

"Americans Must Have the Right, But Not Be Compelled to Join Labor Unions"
