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Wisconsin Voters Rebuff Government Union Brass

Vote 'Opens the Door' For Right to Work Efforts in Other States

As National Right to Work Newsletter readers surely know by now, on June 5 Wisconsin GOP Gov. Scott Walker handily defeated Big Labor's multimillion-dollar, forced union dues-funded effort to wreak vengeance on him by ousting him from office less than a year-and-a-half into his term.

In a special "recall" election Big Labor engineered by launching a petition drive in 2011, Mr. Walker beat his union-label Democrat challenger, Milwaukee Mayor Tom Barrett, 53% to 46%.

Along with Mr. Walker, the union hierarchy was seeking revenge last month on four other GOP elected officials in the Badger State, including Lt. Gov. Rebecca Kleefisch and three state senators.

In her race, Ms. Kleefisch defeated Democrat Mahlon Mitchell, the head of the Wisconsin affiliate of the International Association of Firefighters union (IAFF/AFL-CIO), 53% to 47%. Two of the three GOP senators targeted by the union brass also kept their seats.

The single Senate seat gained by forced-unionism proponents did suffice to switch over the chamber to a 17-16 Democrat majority, at least until this November, when half the seats will once again be up for grabs.

CREDIT: M.P. KING/WISCONSIN STATE JOURNAL

Big Labor bosses like Wisconsin teacher union chief Mary Bell intended last month to send a nationwide message that you can't roll back monopolistic government unionism and survive politically. They failed.

Forced-Unionism Supporters Pumped More Than $23 Million Into 2011 Recall Elections

Last year, the Walker Administration infuriated union officials when it successfully sponsored a measure (now known as Act 10) abolishing forced union dues for teachers and many other public employees and also sharply limiting the scope of government union monopoly bargaining. All the senators whom Big Labor sought to recall this year voted for Act 10.

In addition to making examples out of Mr. Walker and his allies, government union chiefs' indisputable goal in the June 5 recall elections was to restore all of their forced-dues and monopoly-bargaining privileges.

Private-sector union bigwigs lent their wholehearted support to the effort, despite the fact that Act 10 does not directly affect them.

They undoubtedly acted on the belief that, the more forced dues that are exacted from workers, the better, regardless of which unions are doing the exacting.

The mostly unsuccessful 2012 recalls were only the latest of a series of extraordinary actions taken by the union hierarchy since early last year, first to prevent Act 10 from becoming law, and then to overturn it.

Almost immediately after Mr. Walker introduced legislation (S.B.11) including the forced dues-repeal and monopoly bargaining-rollback provisions, teacher union bosses in Milwaukee, Madison and other cities called out teachers on illegal strikes.

Government union militants issued dozens of death threats against Mr. Walker, members of his administration, and their families. Fourteen Big Labor-backed state senators, all Democrats, temporarily fled the state to deny the pro-S.B.11 Senate majority a quorum to pass the bill.

Roughly six weeks after Act 10 finally took effect in the summer of 2011, Big Labor-instigated recall elections in which pro-forced unionism candidates challenged six pro-Right to Work state senators took place. Three

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More Right to Work Activism Needed

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union-label Democrat senators who had opposed Act 10 also faced recall votes last summer.

Union bigwigs and their Democratic allies pumped more than $23 million (according to far-from-comprehensive official state records) into 2011's nine state Senate recall races, in which the union brass picked up a total of two seats.

Union Bosses Keep Trying to Cover up Their Defeats in Court and at the Ballot Box

"By any measure, the union hierarchy in Wisconsin and nationwide has poured an extraordinary amount of forced-dues cash and forced dues-funded manpower into protecting government union bosses' special privileges in the Badger State," said Mark Mix, president of the National Right to Work Committee.

"In addition to inciting illegal strikes, leading raucous protests at the state capitol and at legislators' residences, and pouring tens of millions of dollars into recall campaigns, union officials have repeatedly tried in federal court to get back all their monopoly-bargaining and forced-dues power.

"So far Big Labor has little to show for all it's done. But to deter elected officials in other government union-dominated states from emulating Scott Walker's success, union spokesmen keep trying to cover up their losses.

"For example, in late March, U.S. District Judge William Conley rejected union lawyers' efforts to overturn the Act 10 provisions substantially reducing the scope of teacher and other government union bosses' monopoly-bargaining privileges.

"However, certain aspects of Act 10 not directly related to forced dues or the scope of monopoly bargaining were found to be unconstitutional.

"At the time, union bosses laughably depicted Judge Conley's ruling as a 'victory' for them, but now attorneys for a number of government unions are appealing the most important parts of his decision.

"Moreover, Big Labor is outrageously trying to suggest its failure to oust Gov. Walker and Lt. Gov. Kleefisch was due to insufficient funds!

"In reality, a mid-June analysis by the Madison-based MacIver Institute tracked nearly $24 million in support for the 2012 recall campaigns from Big Labor and its allies -- much of it coming from out-of-state union bosses' forced dues-laden treasuries.

"Since, as the MacIver Institute acknowledged, its analysis did not include unreported Big Labor expenditures on activities such as 'member-to-member communications' and 'issue advocacy,' union bosses' total spending for this year's recall scheme was undoubtedly far larger.

"The national union hierarchy is determined to discourage other states from being inspired by Wisconsin's example. But the appeal to ordinary citizens of the Badger State reform is obvious."

CREDIT: WWW.EDUCATIONNEWS.ORG

Elected officials like Pennsylvania GOP Gov. Tom Corbett could save taxpayers billions while unshackling public servants from forced unionism. But politicians rarely make bold moves unless citizens pressure them into it.

Rollback of Government Unions' Monopoly Privileges Slashes Their Membership Rolls

Mr. Mix explained:

"The fact is, the labor-law-reform provisions along with the public spending reforms in Act 10 have enabled Wisconsin to eliminate, without raising taxes, a state budget deficit that was projected in February 2011 to reach $3.6 billion over two years.

"Act 10 has made it far less difficult for local elected officials to spend the resources they have prudently, so as to provide taxpayers good services at a reasonable cost.

"Meanwhile, Act 10 has been a boon for hardworking, conscientious public servants who never believed unionization benefited them, but previously were coerced into joining by forced-unionism workplace contracts.

"Over the course of the first year after Act 10 was signed into law, membership in many of the state's government unions has plummeted, largely as a consequence of departures by workers who never thought they needed a union in the first place.

"According to a May 31 *Wall Street Journal* account, for example, membership in the Madison-based Council 24 of the American Federation of State, Council and Municipal Employees fell from 22,300 to 7100."

'The Groups' That 'Everybody Thought Were Going to Take You Out Didn't Do It'

As Mr. Walker himself explained in a post-election interview with the *Christian Science Monitor*, the outcome of Wisconsin's June 5 recall vote should logically give a significant boost to government-unionism rollback efforts in other states:

"We open the door . . . for both state and local government leaders to say . . . maybe we can consider making . . . changes and realize if we do, the groups that before everybody thought were going to take you out didn't do it."

Of course, whether elected officials in any given state decide to take on monopolistic government unionism will also depend on how much pressure they feel from freedom-loving citizens.

Government Union Lobby Remains Formidable

But Wisconsin Shows Grass-Roots Right to Work Activists Can Win

Since the 1960's, Big Labor lobbyists have successfully pressured elected officials in 21 states into passing statutes that explicitly authorize union bosses to get independent-minded public servants fired for refusal to pay dues or fees to a union they would never voluntarily join.

Until last year, despite the growing success of the Right to Work movement with regard to the private sector, not a single state legislature had ever revoked government union bosses' forced-dues privileges after previously granting them by statute.

But in March 2011 two states, Wisconsin and Ohio, made history by restoring the Right to Work of public servants.

Over ferocious and sometimes menacing Big Labor opposition, Badger State legislators approved, and GOP Gov. Scott Walker signed into law, S.B.11.

Key provisions in this law, now known as Act 10, abolished all forced union dues and fees for teachers and many other government employees. Unfortunately, Act 10 leaves most public-safety officers and public transportation workers unprotected.

The Buckeye State reform included provisions protecting the Right to Work of all state and local government employees, including public-safety officers. Even after it was signed by GOP Gov. John Kasich, this measure was still commonly referred to by its legislative bill number, S.B.5.

National Right to Work Helped Mobilize Public Support For Reforms

"Public support for Act 10 was mobilized in part by the National Right to Work Committee's e-mail and telecommunications activities," noted Committee Vice President Matthew Leen. "And the 118,000 National Committee members in Ohio were instrumental in helping secure the passage of S.B.5.

"These were significant victories for the Right to Work cause. But supporters knew at the time they faced intense battles to prevent these victories from being reversed.

"In Wisconsin over the past 15 months, Act 10 has with the help of grass-roots forced-unionism foes and national Right to Work legal expertise survived a series of Big Labor-engineered special 'recall' elections and union-boss lawsuits.

"But in Ohio, union bosses from across the country spent an estimated $50 million or more to forestall enforcement of S.B.5."

Big Labor first stopped S.B.5 from taking effect, and then dipped deep into its forced dues-funded treasuries to outspend proponents vastly and kill the measure in the cradle last November. This was a huge setback for Ohio -- and, at the same time, a pyrrhic victory for union strategists.

The tactics to which Big Labor resorted in Ohio have a strong potential to backfire on the union brass in the next couple of years.

Mendacious Union Propaganda Predicted School Layoffs If S.B.5 Was Upheld

"Last fall, mendacious union propaganda flooded the Ohio airwaves claiming S.B.5 would slash school and public-safety budgets. Massive layoffs of teachers, police and firemen would ensue, according to forced dues-funded TV and radio ads," Mr. Leen recalled.

"In reality, had it taken effect, S.B.5 would not have reduced at all the amount of money Ohio doles out to local schools and fire departments.

"S.B.5 would, however, have made it far less difficult for local elected officials to spend their money prudently and protected each individual public servant's freedom to join or not join a union.

"The public-sector layoffs Ohio is now experiencing are clearly worse than they would have been under S.B.5 and far more severe than those occurring anywhere in Wisconsin. In April, for example, the Cleveland School Board voted to lay off 500 teachers -- roughly 17% of the district's teaching ranks.

"Citizens across the country can now see the stark contrast between Wisconsin, where monopolistic public-sector unionism has been sharply curtailed, and Ohio, where government union bosses' privileges have been perpetuated.

"The government union lobby remains formidable in most states, and reining it in will never be easy anywhere. But I am increasingly hopeful."

CREDIT: EAGLEONLINE.COM

The Big Labor political machine and union lawyers have sought relentlessly, but unsuccessfully, to overturn a measure signed by Wisconsin GOP Gov. Scott Walker last year that sharply curtails government union bosses' special privileges.

All-Consuming Government 'Fine' With Obama Team

State and Local Jobs 5.5 Times as Unionized as Private Sector's

Just a little over two years ago, the U.S. Labor Department reported that, for the first time ever, a majority of unionized workers across America are now government employees. As recently as 1980, less than a third of all employees subject to "exclusive" union representation worked for the government.

Currently 42% of all state and local public servants are under a union contract and unionization in state and local government is 5.5 times as great as in the private sector.

That's bad news for business employees, including union members whom union officials claim to represent, and for everyone else who pays taxes.

Big Labor's Counterproductive Work Rules Drive up Taxpayer-Funded Government Payroll Costs

For many years now, Big Labor featherbedding and counterproductive work rules have sharply increased real taxpayer costs for compensation of state and local government employees.

In fact, U.S. Commerce Department data show that from 2000 to 2010 the share of all private-sector employee compensation that is consumed by state and local government payrolls soared from 15.2% to 18.1%.

During much of the last third of the decade, from 2007 to 2010, the country experienced a severe national recession. Businesses whose revenues were plummeting had no choice but to cut back real compensation for private-sector employees by 9.4% over this three-year period.

But -- largely because of the extraordinary privileges of government union bosses -- real state and local compensation actually *increased* by 3.2% over the same three years.

"It is simply not sustainable for public payrolls to consume an ever-higher share of all the wages, salaries and benefits earned in America," commented Mary King, vice president of the National Right to Work Committee.

"After all, the long-term growth in demand for the major public employee-provided services is relatively slow. From 2000 to 2010, for example, the number of primary-and-secondary-school-aged children [ages five to 17] nationwide grew by only 1.4%. That's one-seventh as much as the overall population increase."

President Appears to be Oblivious to the Facts

Ms. King continued:

"Unfortunately President Obama's formula for U.S. economic success is for the share of the national income consumed by unionized government payrolls to grow and grow at the expense of private-employee compensation, year after year, and decade after decade.

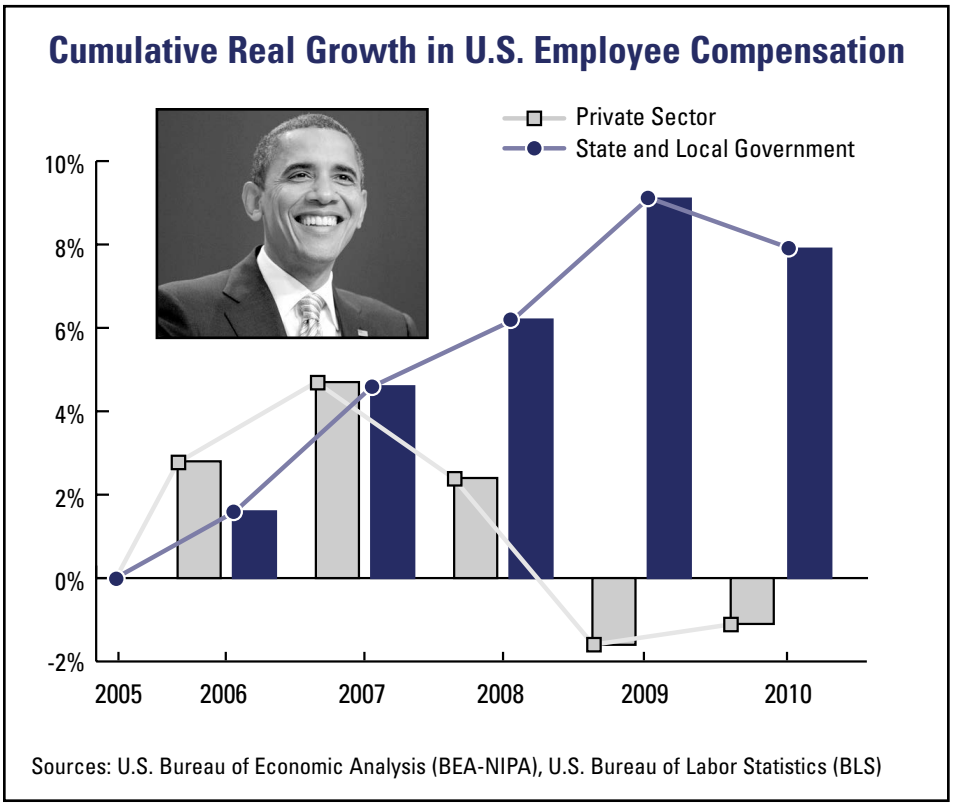
"That's why, in his now-infamous remarks in the White House press room on June 8, he insisted that the U.S. 'private sector is fine' and that, if Congress really wants to 'move forward and put people back to work, what they should be thinking about is how do we help state and local governments.'

"The President seems to be alarmed by the fact that, thanks in part to a mounting public backlash against monopoly-bargaining and forced-dues privileges for government union bosses, America's private sector has finally been able over the past year and a half to regain some ground on our government sector.

"To give U.S. business employees and employers room to grow and enjoy a true recovery, much more needs to be done over the next few years to rein in government union abuses.

"State legislatures are primarily responsible for reversing the damage they have done over the past half-century by empowering government union chiefs to force individual public servants to accept union monopoly bargaining, like it or not, and pay union dues, or be fired.

"But the President and his staff should at the very least refrain from colluding with Big Labor as it seeks to block pro-Right to Work and pro-taxpayer reforms at the state level. Sadly, Barack Obama is still trying to push the country in the wrong direction."



CREDIT: REUTERS

Over the last five years for which annual data are available, taxpayer-funded real compensation for state and local government employees grew by 7.9%, while private-sector compensation fell by 1.1%. President Obama sees no problem.

Autoworkers Union Bosses Profit, Taxpayers Lose

White House Favoritism Towards UAW Brass Has Failed to Saved Jobs

On the campaign trail, President Barack Obama stubbornly continues to defend his Administration's handling of the 2009 bankruptcies of United Autoworkers (UAW/AFL-CIO) union boss-controlled General Motors (GM) and Chrysler.

Indeed, the Obama 2012 re-election campaign appears to think that the Democrat President's extraordinary interventions in the affairs of the two struggling companies over the course of the past three years are a political asset.

In the spring of 2009, the Obama Administration agreed to hand over a total of roughly $54 billion, at taxpayers' expense, to money-hemorrhaging GM and Chrysler. Just a few months earlier, lame-duck GOP President George W. Bush had authorized multibillion-dollar, taxpayer-funded bailouts of both companies.

The Bush and Obama Administrations tried to justify expending vast sums of taxpayer money on troubled auto companies as an effort to save American jobs.

DOUG STRICKLAND/TIMES FREE PRESS (CHATTANOOGA, TENN.)

Volkswagen's announcement this spring that it would add 1000 new jobs at its union-free assembly plant in southeastern Tennessee is representative of recent auto-manufacturing employment growth in Right to Work states.

Many Unionized Workers' Jobs Disappeared -- But Union Bosses Fared Remarkably Well

However, the politicians knew full well that the number of Americans employed by GM and Chrysler would continue to shrink, regardless of what they did.

GM, by far the larger of the two firms, had 47 plants in the U.S. in early 2009. Today it has just 34. In early 2009, GM had 91,000 U.S. employees. It now has fewer than 70,000, and the number is still falling.

The overwhelming majority of U.S. automotive manufacturing jobs are now in union-free firms, and these firms, not bailed-out GM and Chrysler, surely represent the future of domestic automotive manufacturing employment.

Rather than workers, the single greatest beneficiary of the GM and Chrysler bailouts was the UAW union hierarchy.

Given that the wasteful work rules that UAW bosses, wielding government-granted monopoly-bargaining power over employees, insisted on for decades were largely what drove the companies into bankruptcy, they certainly didn't deserve kid-gloves treatment. Yet that's what they've gotten.

A new study coauthored by Heritage Foundation analyst James Sherk and George Mason University law professor Todd Zywicki attempts to calculate just how costly to taxpayers White House favoritism towards the UAW brass has been.

The Sherk-Zywicki study (entitled "Auto Bailout or UAW Bailout?") conservatively estimates that the GM and Chrysler bailouts will cost taxpayers a net $23 billion once the government finally sells its remaining stake in GM.

Mr. Sherk and Dr. Zywicki conclude that, had the Obama Administration required the UAW elite to accept standard bankruptcy concessions, taxpayers would have lost no money at all.

"Completely unlike other GM creditors, who got stiffed, the UAW boss-controlled retiree health-care fund got back $10 billion in cash after the company went broke," recalled National Right to Work Committee Vice President Greg Mourad.

"Because of their federally-granted privilege to force workers to pay union dues as a job condition, UAW bosses have been and remain a political juggernaut. That's why the White House rewarded them for helping bankrupt two once-giant auto firms.

"President Obama likes to pretend that if he, along with President Bush before him, hadn't funneled a total of over $60 billion to GM and Chrysler, by now hardly any auto manufacturing jobs in the U.S. would remain."

Americans Aren't So Easily Bamboozled

"That's preposterous. Even at the bottom of the recession, hundreds of thousands of Americans were working together in nonunion factories, mostly located in Right to Work states, to produce cars and trucks that could be sold, mostly to other Americans, at a profit," Mr. Mourad pointed out.

"They were able to do it largely because they weren't hamstrung by productivity-quashing union work rules. And they would still be able to do it today even if the bailouts of UAW-dominated companies had never happened.

"Fortunately, Americans are not as easily fooled as President Obama and his cohorts in the UAW hierarchy think they are. The President's fork-tongued reassurances that all is going well with the UAW bailout are unlikely to persuade most Americans they were wrong to oppose it in the first place.

"Instead, if Mr. Obama keeps it up, ordinary citizens are likely to get angrier and angrier as time goes on."

Big Labor Bosses Accuse 'Brethren' of Thuggery

Carpenters Union Chiefs Decry Rivals' 'Violence and Vandalism'

An ongoing lawsuit filed early this year by top officials of the United Brotherhood of Carpenters and Joiners of America (UBC) union makes a series of grave charges against officials of the AFL-CIO Building and Construction Trades Department (BCTD) and its affiliated unions.

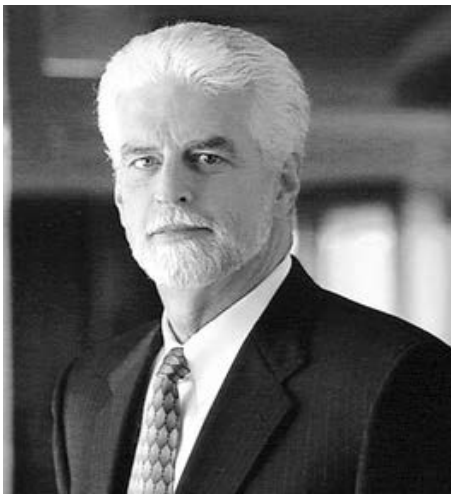
The federal complaint alleges that BCTD bosses and their cohorts have for years been engaged in an "unlawful extortionate conspiracy to obtain the business and property" of the UBC union.

To advance their conspiracy, the defendants have allegedly resorted to "threats of violence and vandalism." In April 2010 in St. Louis, for example, BCTD agents "smashed a $20,000 sign and "poured sugar in the gas tank of a truck . . . ." (The entire complaint may be viewed at the www.nilrr.org website.)

Penalty Shouldn't Hinge on Whose Ox Is Being Gored

At a BCTD rally a couple of months later, Laborers International Union of North America (LIUNA) President Terry O'Sullivan reportedly told the crowd: "In my neighborhood, we would hang people like [UBC General President] Doug McCarron . . . ." Mr. O'Sullivan then asked if anyone in the riotous audience had any rope.

Among the array of other accusations in the lawsuit is that the defendants distributed among themselves and exploited for motivational purposes a video of dozens of ironworkers union militants beating and kicking two helpless UBC union representatives at a jobsite in Irvine, Calif.



CREDIT: CARPENTERS.ORG

UBC czar Doug McCarron: "Extortionate" union campaigns are unacceptable, when my union is the target.

One key specific goal of the BCTD conspiracy, according to the complaint, is to force UBC officials to join the BCTD and funnel "tribute" collected from UBC members into BCTD coffers. Of course, BCTD officials insist their actual goal is to secure higher wages and benefits and better working conditions for construction employees.

Very often, thuggish union officials and their militant followers use their supposedly benevolent motives to shield themselves from being held accountable for extortionate violence that is commonly regarded as violating the federal Hobbs Act.

In its controversial 1973 *Enmons* decision, a divided U.S. Supreme Court exempted from Hobbs Act prosecution threats, vandalism, and violence perpetrated to secure "legitimate" union goals.

"For decades, union bosses and their lobbyists have blocked Right to Work efforts to close the 'legitimate union objectives' loophole in the federal Hobbs Act, as currently interpreted," said National Right to Work Committee President Mark Mix.

"Now that the alleged victims of Big Labor violence are UBC union rank-and-file workers and organizers, UBC chief Doug McCarron and his associates are suddenly calling on a federal court to stop the 'unlawful extortionate campaign and conspiracy.'

"But the gravity of an offense shouldn't hinge on whose ox is being gored.

"Union militants and union officers who commit or foment extortionate violence deserve to be held to the same standard as anyone else who does the same -- regardless of whether the victims are employees, business owners, clients of a struck business, or organizers for another union."

Pending Measure Would Close Lethal Loophole

Pending legislation in Congress, known as the Freedom from Union Violence Act (S.3178 and H.R.4074), would close the *Enmons* decision's lethal loophole and make it far less difficult to punish thuggish acts like those described in the UBC complaint against the BCTD and its affiliates.

The Committee is now contacting millions of Americans by e-mail, phone and mail to ask them to sign petitions in favor of S.3178 and H.R.4074 to their senators and congressmen.

"Poll after poll has shown citizens nationwide overwhelmingly agree that extortion is extortion, regardless of whether the victim is a union organizer or a union-free employee or business owner," said Mr. Mix.

"That's why I believe this battle can be won. But we should never underestimate the furious opposition from top union bosses and their puppet politicians that we must overcome before we can prevail."

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Federal Law Promotes Forced Dues

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principle to federal and state labor statutes consistently.

Unfortunately, he was too optimistic.

Well into the 21st Century, case law continues to uphold the NLRA, the RLA, and other statutes that recognize only a nominal right not to join a union.

Legislators, and Not Only Judges, Have Duty to To Uphold the Constitution

Under the NLRA and dozens of state labor laws patterned after it, nonmembers don't have the right to refuse to pay dues or fees to a union, and still keep their jobs, whenever union officials can obtain "exclusive" bargaining privileges.

No one can seriously claim that there is a genuine right not to join under these compulsory-unionism statutes.

That's why all U.S. senators and congressmen today who purport to support the Right to Work principle and the understanding of the Constitution laid out in *NAACP v. Alabama* should be eager to cosponsor S.2173 and H.R.2040, pending measures that would repeal federally-imposed forced union dues.

"Too many people inside Washington, D.C.'s Beltway have a mistaken notion that only judges have a duty to uphold the Constitution," Mr. Mix observed.

"Of course, that's not the case. Every federal elected official has also taken an oath to protect the Constitution.

"If there are any members of Congress today who don't agree with 1969's *Atkins v. City of Charlotte* and other federal court precedents stating that there is a constitutional right to join a union, they should say so publicly.

"But all members of Congress who agree there is a constitutional right to join and financially support a union should also logically agree that there is a constitutional right *not* to join or financially support a union.

"And that leaves no room for opposition to S.2173 and H.R.2040 on so-called 'states' rights' grounds."

Tennessee's Lamar Alexander 'Shouldn't Try to Hide Behind Everett Dirksen'

Thanks to the determined efforts of grass-roots Right to Work activists across the country, there is a good chance that the Senate will cast a recorded floor vote on S.2173, also known as the National Right to Act, some time within the next few weeks.

The lead sponsors of the upper chamber's version of the National Right to Work Bill are Sens. Jim DeMint (R-S.C.) and Rand Paul (R-Ky.). Both are known for their opposition to excessive federal power as well as to Big Labor special privileges.

The fact that Mr. DeMint and Mr. Paul are carrying this legislation makes it all the more incredible that a handful of Big Labor-appeasing GOP politicians on Capitol Hill, most notably Sen. Lamar Alexander (Tenn.), are trying to justify their announced opposition to S.2173 by citing "states' rights."

"The senior senator from Tennessee has even had the nerve to invoke the memory of Everett Dirksen to justify his avowed support for perpetuating the forced-union-dues provisions in federal labor law," said Mr. Mix.

"Mr. Alexander shouldn't try to hide behind Everett Dirksen."

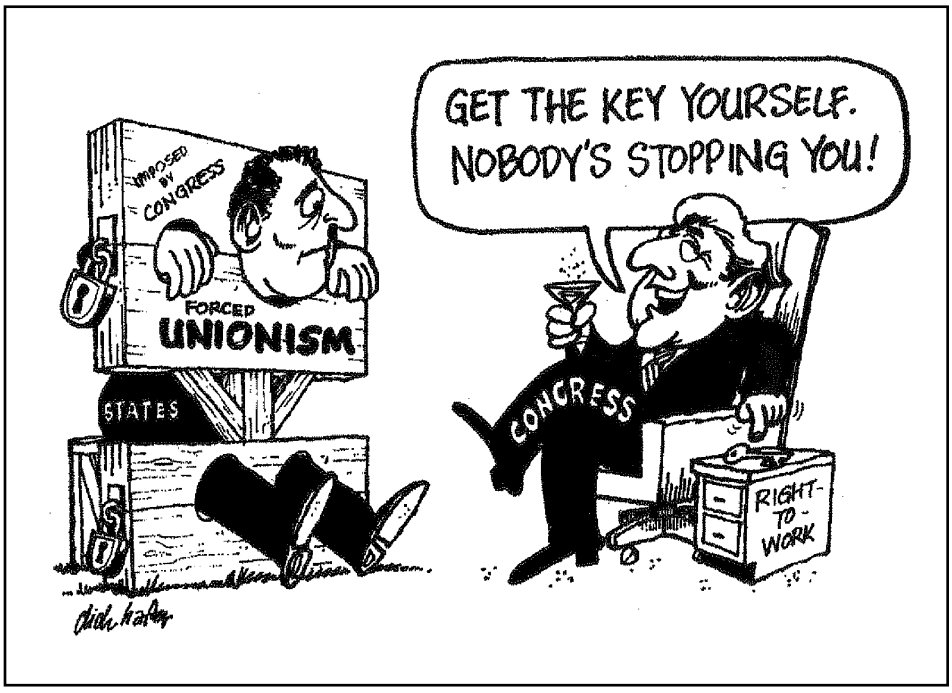
In his 1966 law review article, Mr. Mix added, Mr. Dirksen specifically said that the "most direct manner of meeting the problem" of compulsory unionism would be to "eliminate" the federal-labor-law provisions authorizing it.

And that is exactly what S.2173 would do.

"No senator, including Lamar Alexander, should be allowed to get away with making the excuse that it's not Congress's responsibility to end forced union dues. Congress created the problem. Congress must solve it," Mr. Mix concluded.

CREDIT: AP

Tennessee Republican Sen. Lamar Alexander has recently been citing a phony excuse for opposing forced-dues repeal.



By authorizing forced union dues over the course of nearly 80 years, Congress has continuously protected the union political machine and made successful state opposition to union special interests very difficult.

Forced-Unionism System Spawned in U.S. Capitol

Congress Has Duty to Abolish Big Labor Confiscation of Union Dues

The enactment of aggressively pro-compulsory unionism provisions in the National Labor Relations Act 77 years ago constituted a massive power grab by a Big Labor-dominated Congress. The NLRA forced workers in every state to pay union dues, or be fired.

Before Congress rubber-stamped the NLRA in 1935, not a single state legislature had caved in to the union hierarchy by enacting a statute that authorized the firing of employees for refusal to join or pay dues to a union.

That's why union lobbyists in Washington, D.C., first concocted the NLRA and the similarly coercive 1951 amendment to the Railway Labor Act (RLA) -- to ram compulsory unionism down the throats of working Americans and the states.

Government-Authorized Forced Unionism 'Steamrolls Basic Constitutional Protections'

"Congress steamrolled the states when it made forced unionism the law of the land," explained National Right to Work Committee President Mark Mix.

"Government-authorized forced unionism also steamrolls basic constitutional protections that the American judiciary system has generally striven to uphold."

He cited a key passage from Justice John Marshall Harlan's opinion for a unanimous U.S. Supreme Court in the 1958 *NAACP v. Alabama* case.

"It is beyond debate," wrote Justice Harlan, "that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech. . . .

"Of course, it is immaterial whether the beliefs sought to be advanced by the association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the strictest scrutiny."

It was largely on these constitutional grounds that the High Court overturned the Alabama law challenged in the case, which it found to encumber the right of Alabama citizens to join the NAACP.

Since *NAACP v. Alabama* was handed down, federal courts have consistently interpreted this precedent as establishing that the individual employee has a constitutional right to join and support financially a union.

'Freedom Rests on Choice, And Where Choice Is Denied Freedom Is Destroyed as Well'

For example, in 1969 a federal court overturned North Carolina statutory provisions restricting municipal employees' right to join, aid and assist labor organizations, finding them to be "an abridgment of the freedom of association protected by the First and Fourteenth Amendments" of the U.S. Constitution.

CREDIT: NORTHERN ILLINOIS UNIVERSITY

States' rights champion Everett Dirksen (R-Ill.) recognized the need for a federal pro-Right to Work policy.

Once the federal court system recognized that the First and Fourteenth Amendments prohibit laws curtailing the personal right to join or support a union, the inevitable logical conclusion to draw was that the personal right not to join or support a union must be equally protected under the Constitution.

As early as 1966, then-U.S. Sen. Minority Leader Everett Dirksen (R-Ill.) emphasized the need for consistency in federal labor policy in an article published in the *DePaul Law Review*:

"[T]he right not to join a union is a necessary corollary of the right to join, for without a right not to join there can be no such thing as a right to join. Freedom rests on choice, and where choice is denied freedom is destroyed as well."

Courts Have Failed to Protect Freedom Consistently

Nearly half-a-century ago, Mr. Dirksen, a staunch supporter of the Right to Work and of states' legitimate prerogatives, expressed his hope that the judiciary would soon begin applying its free-association

See **Federal Law** *page 7*

Tell Lamar Alexander, Forced Unionism Isn't a 'State Right'

U.S. Sen. Lamar Alexander (R-Tenn.) is trying to justify his announced opposition to national Right to Work legislation by invoking "states' rights."

The fact is, denying workers a genuine personal right to join and support a union, or refuse to do either, violates their constitutional freedom under the First Amendment.

No state has the prerogative to trample the U.S. Constitution. National Right to Work Committee members in Tennessee and around the country are urged to contact Sen. Alexander and tell him, "Forced unionism isn't a 'state right.'"

Sen. Alexander's Phone Numbers:
202-224-4944 (Washington, D.C.)
615-736-5129 (Nashville)