The original documents are located in Box 19, folder "National Right to Work Committee (3)" of the John C. Vickerman Files at the Gerald R. Ford Presidential Library.

National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

July 2, 1975

Mr. John C. Vickerman, Director
Business and Trade Associations
THE WHITE HOUSE
1600 Pennsylvania Ave., N.W.
Washington, D.C.

Dear John:

I think you may find the attached release on the 40th anniversary of the N.L.R.A. of some interest and perhaps worth routing around.

Best wishes.

Sincerely,

Hugh C. Newton
Director of Information

attachments

HCN:lh

RIGHT TO WORK
NEWS
From the NATIONAL RIGHT TO WORK COMMITTEE
8316 Arlington Boulevard • Fairfax, Virginia 22030
TELEPHONE: 573-8550—AREA CODE 703

HOLD FOR AM RELEASE JULY 7, 1975
CONTACT: Herb Berkowitz

"Mock" Tribute On 40th Anniversary

NLRA DESCRIBED AS ANTI-WORKER, MORALLY BANKRUPT, A CRUEL AND CYNICAL SHAM

WASHINGTON, DC, July 7, 1975 -- A national public interest group dedicated to labor policy reform paid mock tribute to the National Labor Relations Act's 40th anniversary today by proclaiming the federal labor policy "patently anti-worker, morally bankrupt" and "a cruel and cynical sham."

In a statement commemorating the signing into law of the NLRA on July 5, 1935, Reed Larson, executive vice president of the National Right to Work Committee, said the country's governing labor policy has been "faulty from its inception."

He urged enactment of a remedial National Right to Work Law (H.R.4279 in the present Congress) to "restore sanity and freedom to the labor arena."

The National Right to Work Committee is a nationwide citizens' coalition dedicated to the belief that union membership should be voluntary, not compulsory. The 20-year-old organization now has more than 110,000 contributing members.

PROMOTES COMPULSION

Larson, spokesman for the organization, said the NLRA makes a pretense of protecting employee freedom, but systematically deprives workers of their rights by sanctioning compulsory "union shop" and "agency shop" arrangements. Under such arrangements, employees are forced to support unions as a condition of employment.

"Congress deliberately set about to fashion a national labor policy which would place the power of government on the side of union organizers," Larson said. From that standpoint, the NLRA "has been eminently successful."

(MORE)

From the point-of-view of the individual wage-earner, however, the law has been "a charade, a disaster," he said.

"The NLRA was openly designed to provide union organizers with a wide range of special powers and privileges to facilitate their organizing chores -- tools which were given to union professionals at the expense of individual employees.

"In particular, Section 7 of the NLRA constitutes one of the most cruel and cynical shams ever perpetrated on the American people. This section sets forth a commitment to full freedom of choice for employees, but then follows with an 'except,' and in less than 30 words callously crushes these rights under the heel of compulsory unionism." (See last page.)

MONOPOLY BARGAINING

Larson also pointed out that "the NLRA gives a private organization, a union, the right to impose its will on unwilling individuals -- something that is not permitted anywhere else in our society with the exception of government itself. Yet, by granting union organizers monopoly bargaining status, the NLRA gives them the power to determine the terms and conditions of employment of wage-earners who don't want the union's representation.

"If that isn't bad enough, the law goes a step further by authorizing and encouraging compulsory unionism, and puts employers under the gun by forcing them to 'bargain' with union officials over the freedom of their employees. Any employer who as a matter of principle adamantly refuses to 'bargain' with union officials over the freedom of his employees, subjects himself to severe financial penalties under the law.

"In other words, the act compels employers to put a price tag on the freedom of their employees, and compels them to haggle with union professionals over the price for which that freedom will be sold or traded.

(MORE)

"Anybody who thinks this law, as administered by the National Labor Relations Board, is fair to the employee is crassly ignorant," he said.

He pointed to a recent announcement by NLRB general counsel Peter G. Nash that "the machinery of the Act" (meaning the NLRB) would not be used to prosecute violations of State Right to Work laws.

Larson said the NLRB's new "hands off" policy shows the need for a strong employee-oriented organization such as the National Right to Work Legal Defense Foundation.

"Without the Right to Work Foundation, employees whose rights under state Right to Work laws have been violated would be virtually helpless now. The NLRB has abandoned them."

Established in 1968, the Foundation is affiliated with, but separate from the Right to Work Committee.

"In the meantime," Larson said, "the Right to Work Committee will continue to impress upon Congress and the American people the need to eliminate the NLRA's authorization of compulsory unionism.

"Until that time, to talk of freedom under this law is worse than deception -- it's a lie."

#35 - MO2, MO3, MO7, MO8, MO9, M10, M13, KO1, KO2, KO3, KO4

LABOR MANAGEMENT RELATIONS ACT, AS AMENDED

RIGHTS OF EMPLOYEES

SEC. 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8 (a) (3).

(emphasis added)

RIGHT TO WORK
NEWS
From the NATIONAL RIGHT TO WORK COMMITTEE
8316 Arlington Boulevard • Fairfax, Virginia 22030
TELEPHONE: 573-8550—AREA CODE 703

HOLD FOR AM RELEASE
Monday, June 23, 1975
CONTACT: Herb Berkowitz

CALIFORNIA FARM LABOR LAW CALLED ANTI-WORKER

WASHINGTON, June 23 -- The new California farm labor law which goes into effect August 28 may put a stop to the warfare between the United Farm Workers and Teamsters unions, but it will do so at the expense of the farm workers themselves, an employee rights organization has charged.

The National Right to Work Committee said in its monthly Newsletter that while the new law is "indeed ... a compromise between what the corporate farm growers, the UFW, and the Teamster organizers wanted ... the workers themselves were left out, except to the extent that the law compromises their individual liberties in the name of 'labor peace.'"

Among the features of the new law considered most offensive by the Right to Work Committee is its authorization for a full five-day compulsory union shop.

This means that following an election all the workers at a particular ranch, farm, or vineyard have five days to join the "victorious" union -- even if they voted for another union or "no union" -- or they lose their jobs. There's no alternative.

Reed Larson, executive vice president of the Right to Work group, said that "though the law is similar in many respects to the National Labor Relations Act, it differs from that act in that it permits actual forced membership in a union, and requires that union members -- voluntary

(more)

and compulsory alike -- obey all the union's rules and regulations as a condition of their employment.

"Under the NLRA a wage-earner can only be forced to financially support an unwanted union as a condition of employment -- not obey its rules.

"To use the California law as a model for similar federal legislation would be tragic."

AFFECTS 250,000

The new law, which will affect some 250,000 agricultural workers, goes into effect later this summer, just before the beginning of the grape and lettuce harvests in the lush San Joaquin Valley -- the site for many years of a sometimes bloody organizing battle between rival Teamster and UFW forces.

The law, Larson said, will solve the union organizers' problems by providing them with a variety of coercive organizing tools, including a hybrid of the UFW "boycott."

"But the worst damage comes after an 'election' when all workers are forced into the monopoly union. California's farm workers are again being victimized," he said.

WORKERS INTERVIEWED

Workers interviewed for the Right to Work Committee newsletter, which is mailed to its more than 100,000 contributors, confirmed this opinion.

"Nobody asked us. They never did," complained a resigned Larry Ponciano, a grape worker from Thermal.

Another worker, asking not to be identified, said "We don't have a chance. Before we could hope the Chavistas and Teamsters shoot each other. Now the law is their gun."

"Maybe we get to vote. So what? There's no place on the ballot for me to tell them all -- the union bosses, the governor, the politicians in

(more)

Sacramento, not even the farmer -- that I just want to be free ... Leave me alone," added Bea Aglipay, whose husband George has been shot at for resisting union organizers.

"God help us," said another.

Echoing their sentiments was W.B. Camp, a California farmer and outspoken critic of the new law. Camp is a member of the Right to Work Committee's board of directors.

"Frankly, as a farmer, I have been appalled at the seeming willingness of some growers and their organizations to turn over control of their farms and the rights of their employees to union officials bent on increasing their own income and power."

As a result of the new legislation, Camp said, California farmers are "going to have to live with both the 'boycott' and with one-sided legislation which takes away their right to manage their own farms, jeopardizes the jobs of their employees, and promises to disrupt the production and marketing of their crops."

He said it "certainly would not be in the best interests of farmers or their employees" to promote a federal farm labor policy modeled after the California law.

The National Right to Work Committee is a single-purpose citizens' coalition which opposes all forms of compulsory unionism. While supporting the right of every worker to join a union, the Right to Work Committee doesn't believe anyone should be forced to join or support a labor organization as a condition of employment.

Recent public opinion studies indicate that more than two-thirds of the American people share this belief.

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#33
M02, M03, M07, M08, M09, M12, K01, K02, K03

THE WHITE HOUSE

WASHINGTON

May 20

John --

Mr. Newton called about their meeting on May 28th. These are the participants from the Right to Work Committee --

Reed Larsen, Executive Vice President
Hugh Newton, Director of Information
Andrew Hare, Vice President for Legislation
Don Zon, also in legislative area (former aide to Congressmen Betts and H.R. Gross)

possibly Herbert Berkowitz

Mr. Newton would like to know if there is any special format for the meeting -- any requirements that you would like -- who will be there representing the Administration, and how many (they will have little kits for each. Any time limitation.

They would like to open the meeting with a few brief remarks by Reed Larsen.

Please call Mr. Newton on Wednesday p.m., or Mr. Berkowitz on Wednesday morning.
573-8550

A.

ABOUT THE ISSUE:

"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. . . . Moreover, compulsory unionism and corruption go hand in hand."

U.S. Senator John McClellan, Democrat, Arkansas

"In the final analysis, the right of management and unions to contract should not override the natural right of a person to make a free and uncoerced choice with respect to the earning of a livelihood for himself and his family."

U.S. Senator John Tower, Republican, Texas

"WHAT OTHERS SAY"

ABOUT THE COMMITTEE:

"Thank you for the outstanding service you rendered the entire nation in eliminating from the postal bill the clause calling for compulsory unionism. This was one of the greatest victories for individual rights and constitutional government in my entire twenty-two years in Congress."

U.S. Representative Wm. Jennings Bryan Dorn
Democrat, South Carolina

"The importance of the public obtaining knowledge on this issue (the use of compulsory dues for political purposes) cannot be overstated. The National Right to Work Committee has proven it can do this type of job better than anyone else."

U.S. Senator Paul Fannin, Republican, Arizona

"Businessmen, individually or in groups, are in no position to cope with union pressure, and government has shown little desire or ability to do so. The only hope apparently is for businessmen to cooperate with the National Right to Work Committee. . . . This organization has one basic aim—to end compulsory unionism."

Editorial, PIT and QUARRY Magazine, September, 1970

THE NATIONAL RIGHT TO WORK COMMITTEE
1990 M Street, N.W./Washington, D.C. 20036

NRTW 106

THE RIGHT TO WORK ISSUE:

should AMERICANS be compelled TO JOIN LABOR UNIONS?

THE NATIONAL RIGHT TO WORK COMMITTEE

A coalition of citizens from all walks of life—including union members

THE PROBLEM

Today, under the sanction of federal laws, unions and management can make agreements whereby employees can be forced into a union. Under such compulsory "union shop" agreements, the employee must either join and pay dues and fees to the union or be fired from his job.

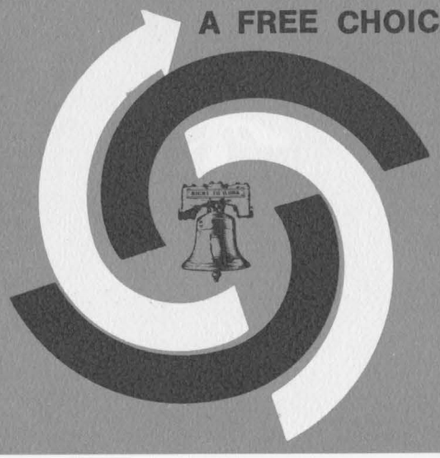
This situation exists in 31 states. Only in the 19 states which have enacted state Right to Work laws—authorized by the federal law—can employees exercise freedom of choice to join or not join a union.

Compulsory union membership is the source of union officials' excessive political and economic power. It is the real root of most of the corruption in labor unions today.

The right of workers to organize has been perverted to include the privilege of compelling men to join labor organizations against their will, and the privilege of forcing employers to herd their employees into unions. Right to Work laws seek to remedy these flagrant abuses of power.

Right to Work simply means that an individual has the right to join a union, and a corollary right to refrain from joining a union without losing his job.

RIGHT TO WORK GUARANTEES A FREE CHOICE



THE COMMITTEE

The National Right to Work Committee has only one purpose—to protect the right of citizens to get and hold jobs whether they belong to unions or not.

Organized in 1955, the Committee's 42,000 supporters and members include thousands of employees, both union and non-union, as well as business firms, homemakers, clergymen, educators and people from all walks of life.

The Committee is incorporated as a not-for-profit corporation and is governed by a Board of Directors. Working under the Board's direction, the executive staff in Washington, D.C., implements the program and carries forward the activities of the organization.

Over the years the Committee has won steadily increasing recognition for its work in exposing and combating the evils of forced union membership. The Committee demonstrated its effectiveness by blocking an all-out drive by union officials in 1965 to repeal Section 14(b) of the Taft-Hartley Act which affirms the right of states to enact Right to Work laws. More recently, the Committee scored an even more significant victory when the Congress voted to include Right to Work protection in the postal reform bill.

The Committee supports no political party. It endorses no political candidates.

Participation in the program of the National Right to Work Committee, as well as financial support to carry out its program, is voluntary.

THE PROGRAM

The National Right to Work Committee's program:

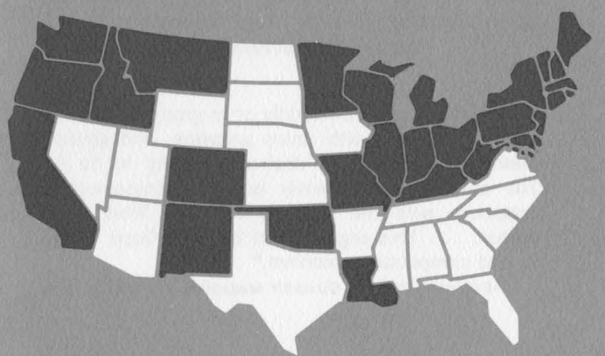
1) Conduct a national education program designed to bring about understanding of the Right to Work principle.

2) Work to obtain legislation which will:
   - Curb the use of compulsory union dues for political activity.
   - Protect public employees against compulsory unionism.
   - Prevent compulsory unionization of farm workers.
   - Ultimately provide national Right to Work protection covering all employees.

3) Provide assistance in organizing state-wide citizen movements to promote, enact, and protect state Right to Work laws.

4) Safeguard Section 14(b) of the Taft-Hartley Act. (That part of the National labor law which reaffirms the right of states to have Right to Work laws.)

NINETEEN STATES NOW HAVE RIGHT TO WORK LAWS



political realities vs. moral principle

by REED LARSON
Executive Vice President
THE NATIONAL RIGHT TO WORK
COMMITTEE

HIGHLIGHTS

"I suggest that at least in this one area of principle with which I am most familiar, there is no fundamental conflict between sound principles and practical political realities. The problem comes from a failure to look at political realities in cold, objective, honest terms."

"I want to make it crystal clear at this point that the National Right to Work Committee does not oppose the National Labor Relations Act simply because it is a pro-union law. We do believe, however, that so long as the country operates under a policy balanced heavily toward the interests of union organizers, it is imperative that the safety valve of voluntary unionism must be incorporated in that system."

" . . . political sophisticates are guided by an idea that smart politicians avoid arousing the ire of union bosses. That's particularly true when the issue is compulsory unionism. . . . I suggest that anyone who believes he can advance the fundamental principles of freedom—such as that embodied in Right to Work—and still avoid a head-on confrontation with union political bosses is strictly kidding himself."

"It's a rule of thumb in Congress that labor issues don't come up in election years—they are too controversial. Nonetheless, the Right to Work issue came up on the floor of the House of Representatives in July of 1970 just four months before election. Members faced an up and down vote strictly on the question of Right to Work. The results, based on political judgments of members of Congress who would be facing the voters four months later, were 226 in favor of Right to Work to 159 against it. In November . . . not a single one of the 226 pro-Right to Work votes was unseated by a candidate who openly challenged him on his vote in favor of Right to Work."

"In conclusion, I want to call on all those who are truly concerned with the preservation of individual liberty in America to abandon the dangerous courtship with so-called 'political realities' and tackle instead the major moral issues of the day. We need to deal with basic problems, including that of excessive power and privilege which for 38 years have been conferred by government on a select special interest minority—union organizers."

"Political leadership on the basis of moral principle rather than political expediency is sometimes referred to, I believe, as 'statesmanship.' That's what we're talking about—and I think events have shown that this is the kind of leadership to which the American people will respond if given the facts."

political realities vs. moral principle

An Address By Reed Larson
Executive Vice President
National Right to Work Committee
at the Seventh National Convention
Young Americans For Freedom
Washington, D.C.—August 16, 1973

"Power over a man's subsistence is power over his will."

Alexander Hamilton

I want to discuss with you today something referred to as "political realities" versus moral principle upon which the long-range interests of this country hinge.

Especially in the area of Right to Work—the fight against compulsory unionism—we hear a great deal of talk from supposed political sophisticates who maintain that sound principle is in conflict with "political realities"—and I put that term "political realities" in great big quotation marks.

I suggest that at least in this one area of principle with which I am most familiar, there is no fundamental conflict between sound principles and practical political realities. The problem comes from a failure to look at political realities in cold, objective, honest terms.

I'm sure everyone of you here today is concerned about the extreme damage being done to our nation's political and economic system by excessive power concentrated in the hands of a few top union officials.

If that's the case, you're not alone. In fact, every reliable survey of public opinion shows that the great majority of our citizens, including a majority of the members of union families, believe that union officials have too much power and that this power is being abused to the detriment of the public interest.

But at that point the agreement ends. How to deal with this problem is a subject of much dispute, not only between conservatives and liberals, but among conservatives themselves.

". . . 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

UNION POWER AND PRIVILEGE

To understand the problem of union power and privilege, we need to understand the history of our national labor policy.

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 to offset what was interpreted as excessive power in the hands of business.

In 1935 Congress passed into law the National Labor Relations Act—a measure specifically designed to enhance the power of union organizers. It was based on the premise that the national interest was served by using the power of the federal government to assist in organizing labor unions. That law which in its basic concepts remains unchanged to this day has conferred on officials of organized labor vast power and privileges. It has given them a special preferential status. The two cornerstones of this special union privilege 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 fifty percent plus one of the employees in a bargaining unit, it thereby gains sovereignty so far as wages, hours, and working conditions are concerned, over all employees, including those who do not wish to be represented by the union. 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.

"The right to belong to a labor union is entitled to the shield of law, but no more so than the right not to belong. Neither can be proscribed. So much must be true, or we do not live in a free land."

George Sutherland

No less an authority than the nation's most noted prosecutor, former Kennedy brain-truster Archibald Cox, acknowledged this a few years ago: "Labor unions enjoy their present power by virtue of federal statutes."

The result of this heavy legal bias in favor of union organizers (and against the individual) is that a handful of unrepresentative union officials now wield such political power that, in the legislative arena, their collectivist goals regularly override the wishes of the vast majority of the nation's voters. The union hierarchy presides over an apparatus whose dues income (not counting investment income) amounts to more than two billion dollars a year, most of which comes from workers compelled to pay the union in order to keep their jobs. According to authoritative analysts—including the noted labor columnist Victor Riesel—at least $50 million, and perhaps as much as $200 million, of this money is spent each election year to support the campaigns of union-favored political candidates.

Still, few conservatives—and almost no liberals—seriously question the National Labor Relations Act and the premise upon which it is founded: namely, that it is in the public interest to use the power of government to help organize labor unions. It is perhaps understandable that employer associations are required to dissipate their efforts in attacking symptoms of that policy rather than its fundamental errors. However, it remains a mystery why leading conservatives who are interested in matters of principle do not aggressively challenge the policy of union special privilege which is the keystone of our national labor law. As a matter of fact, prominent conservative spokesmen regularly join with union-controlled public officials in efforts to extend the scope of the National Labor Relations Act and its authorization of compulsory unionism.

SAFETY VALVE

I want to make it crystal clear at this point that the National Right to Work Committee does not oppose the National Labor Relations Act simply because it is a pro-union law. We do believe, however, that so long as the country operates under a policy balanced heavily toward the interests of union organizers, it is imperative that the safety valve of voluntary unionism must be incorporated in that system.

"I want to urge devotion to the fundamentals of human liberty—the principles of voluntarism. No lasting gain has ever come from compulsion."

Samuel Gompers

And this is the point at which we encounter the conflict with those so-called conservatives who insist that opposition to the federal sanction of compulsory unionism is not consistent with something called "political realities." Instead, political sophisticates are guided by an idea that smart politicians avoid arousing the ire of union bosses. That's particularly true when the issue is compulsory unionism, not withstanding the fact that this federally sanctioned special privilege enables union officials to collect more than a billion dollars a year in money from unwilling workers and channel much of those funds indirectly into the election campaigns of hand-picked political favorites of the union hierarchy.

I suggest that anyone who believes he can advance the fundamental principles of freedom—such as that embodied in Right to Work —and still avoid a head-on confrontation with union political bosses is strictly kidding himself.

Nonetheless, few who label themselves as conservatives are seriously challenging the wide array of legal privileges for union organizers.

The greatest irony is that those conservatives who think they can advance their cause politically while accommodating themselves to the political interests of union officials do so because of misinterpretation of some ancient history long since disproven by more recent and solid information.

How many of you, in political strategy sessions, have heard a candidate say something like this: "Of course I oppose compulsory unionism, but we just can't afford to raise the Right to Work issue in this campaign. We've got to avoid stirring up the unions."

INDESTRUCTIBLE POLITICAL MYTH

Therein lies one of the greatest and most indestructible political myths of all time. To get to the root of it, we have to go back nearly 15 years. Since 1958 we have heard dinned into our ears consistently a refrain that Right to Work was responsible for the disastrous fate which befell dozens of Republican candidates in the 1958 elections. That's the year when Right to Work referenda were on the ballot in half a dozen states, including Ohio.

1958 was a miserable year for Republicans. There's no question about it. And a lot of highly successful Republican Party professionals had their reputations severely tarnished in that disaster. But the more alert were quick to find a scapegoat. Just one month after the 1958 election, the Republican National Chairman discovered and christened the Party's official scapegoat for those losses. Chairman Meade Alcorn proclaimed that the presence of Right to Work on the ballot led to the defeat of scores of Republican candidates because "The resources of labor were mobilized as never before in a political campaign."

15 years may have elapsed since that fateful and totally groundless proclamation was released—and subsequent events have proven exactly the opposite to be true—but the refrain echoes on. Let's look at the facts. In the first place, Right to Work was an issue in only six of the fifty states in 1958, and even in those states its effect, if any, was minimal. Republican candidates were on all sides of the issue. Republican ex-Governor of Kansas Fred Hall stumped the country denouncing Right to Work laws; Governor Goodwin Knight of California spoke out against Right to Work (he was defeated) as did former Presidential candidate Alf Landon, and many others. The Republican disarray on this and other issues led analyst Sam Lubell to conclude: "If 1958 holds out one prominent lesson to the Republican Party it is that the GOP must stand for something definite politically. Trying to be all things to all men, the last election showed, invites being blamed by all men for all things."

Furthermore, the so-called labor bloc was one of only two major population groups in which Republicans did *not* suffer substantial losses that year. The Gallup Poll reported: "Republican losses came not so much from the ranks of organized labor, as had been widely claimed, as they did from groups considered 'safe' for the GOP."

If you wonder why we dwell at length on such ancient history, it's because Right to Work supporters got a bum rap—and we're still picking it out of our teeth—as many of you, I am sure, are aware.

RECENT POLITICAL HISTORY

Let's look for a moment at more recent political history which shows convincingly exactly an opposite political effect for Right to Work from that claimed in 1958, but which experience is totally ignored by those political sophisticates who refuse to be confused by the facts.

In 1965 and '66, Right to Work was one of the hottest issues in Congress as a result of the debate which swirled around the attempt of Lyndon Johnson and top union officials to repeal Section 14(b) of the Taft-Hartley Act. That's the provision giving states the right to exempt themselves from the federal authorization of compulsory unionism. The 1966 Congressional elections saw voters delivering a resounding vote in favor of those who opposed the repeal of Right to Work laws. Supporters of Right to Work gained dozens of seats in that election. In every race where repeal of 14(b) or Right to Work was an issue, voters rejected candidates who favored compulsory unionism.

"The right to work is the very essence of the personal freedom and opportunity that it was the purpose of the 14th Amendment to secure."

Charles Evans Hughes

Less than three years ago, in the 1970 Congressional elections, we saw an even more convincing demonstration of the political rightness of supporting Right to Work. That's the year when the Nixon Administration, in a deal with George Meany, promoted a postal reorganization bill which would subject 750,000 postal workers to compulsory unionism. Typical of the conventional wisdom based on the 1958 political myth, the sophisticates in the Nixon Administration concluded, as Postmaster General Winton Blount himself told me, that they couldn't pass their postal reform bill unless they gave George Meany what he wanted most—compulsory unionism for postal workers.

As you know, the results proved exactly the opposite. The bill couldn't be passed *without* a Right to Work provision in it—a conclusion which Blount acknowledged only when he was finally backed squarely against the wall.

It's a rule of thumb in Congress that labor issues don't come up in election years—they are too controversial. Nonetheless, the Right to Work issue came up on the floor of the House of Representatives in July of 1970 just four months before election. Members faced an up and down vote strictly on the question of Right to Work. The results, based on political judgments of members of Congress who would be facing the voters four months later, were 226 in favor of Right to Work to 159 against it.

In November of 1970 the voters confirmed the wisdom of that decision when not a single one of the 226 pro-Right to Work votes was unseated by a candidate who openly challenged him on his vote in favor of Right to Work.

But old wives tales die hard. I can promise you'll hear the 1958 political myth repeated again and again in the counsels of political candidates. We suggest that you recognize it for what it is—a political scapegoat which never had any validity and whose life 'expectancy should have expired years ago.

Now, against that background, I'd like to summarize for you briefly some of the areas in which the issue of compulsory unionism is being debated. First, in the Congress, a serious

drive led by Congressman Sam Steiger of Arizona is underway to delete from the National Labor Relations Act and the National Railway Labor Act those provisions which give the sanction of federal law to compulsory unionism. Co-sponsored by some two dozen of the more forward-looking members of the House, this bill first introduced in 1971 represents the first serious effort to repeal the federal authorization for compulsory unionism. It deserves your active and enthusiastic support.

Next, on the other side of the coin, those who believe that the power of union officials should not be further enlarged, are fighting moves to extend the National Labor Relations Act with its compulsory unionism authorization to additional groups of workers not presently covered by the Act. These include the 1.5 million employees of non-profit hospitals, some 3 million farm workers, and even the employees of all state and local governments in America. Ironically, sponsorship of these measures comes from all points on the political spectrum from the extreme Left to the supposedly most conservative members of the House and Senate.

"No, the object of government is not to change men from rational beings into beasts or puppets, but to enable them to develop their minds and bodies in security, and to employ their reason unshackled; neither showing hatred, anger, or deceit, nor watched with the eyes of jealousy and injustice. In fact, the true aim of government is liberty."

Baruch Spinoza

Another area in which compulsory unionism is seriously threatening the rights of millions of employees and the public interest is that of government service. We are moving rapidly toward a situation in which citizens unwilling to support the political and compulsory unionism aims of the international unions will be driven from government service. Many already have been. I'm sure I don't have to paint a picture for you of the kind of govern-

ment action we'll get when the entire government bureaucracy from top to bottom is under the direct control of a few professional union militants.

At the federal level, there is a growing drive for legislation, written by union organizers, which will extend vast power and privilege to union organizers of federal employees, including, of course, the power to fire any employee unwilling to support financially the political and legislative policies set down by the controlling union hierarchy. At the state level, more than two dozen states have already enacted laws to tip the balance in favor of union organizers of public employees, and in many cases specifically authorizing the practice of compelling citizens to pay money to a union official for the privilege of working for his own government.

To emphasize some of the implications of this kind of compulsory unionism consider these documented examples of what is already happening throughout our country:

As part of its preparation for an illegal strike, members of a teachers' union (a local of the NEA union) used classroom time to indoctrinate children, from the second grade and up, on the meaning of various terms used in labor relations. You can well imagine the colorful definitions those impressionable young minds received when they were presented with the union bosses' interpretation of such terms as "scab", "strike breaker", and "lock-out".

Consider policemen and firemen being told that they would lose their jobs if they failed to pay dues to a union which was heavily involved in politics, and guilty of widespread violence and contempt for law and order.

Consider the bosses of a public employee union being given the legal right to cause the arrest of representatives of a competing employee association for setting foot on public property declared to be the exclusive domain of the recognized union.

Consider the use of classroom time for indoctrination of students with AFL-CIO prepared "lesson plans" explaining the issues in major labor disputes such as a strike and boycott run by Cesar Chavez.

All these things are happening today—and the trend is just beginning!

SEEK "CONTROL"

One aggressive public employee labor union which makes no secret of its political objectives and which demands exclusive representation monopoly and compulsory unionism is the NEA union. Still operating as the National Education Association, this group abandoned its role as a professional society several years ago to become one of the most militant and coercive labor unions in the country.

George Fisher, as outgoing President of the National Education "Association" laid it on the line three years ago. NEA officials, he said, would "not be satisfied until we are the most powerful lobby (in Washington) . . . Within ten years," he predicted, "I think this organization will control the qualifications for entrance into the profession, and for the privilege of remaining in the profession."

Added Catherine Barrett, recent past NEA President, in a newspaper interview:

"We are the biggest potential political striking force in this country and we are determined to control the direction of education."

In conclusion, I want to call on all those who are truly concerned with the preservation of individual liberty in America to abandon the dangerous courtship with so-called "political realities" and to tackle instead the major moral issues of the day.

"Greater than the tread of mighty armies is an idea whose time has come."

Victor Hugo

We need to deal with basic problems, including that of excessive power and privilege which for 38 years have been conferred by government on a select special interest minority—union organizers.

STATESMANSHIP

Political leadership on the basis of moral principle rather than political expediency is sometimes referred to, I believe, as "statesmanship." That's what we're talking about—and I think events have shown that this is the kind of leadership to which the American people will respond if given the facts.

We call upon all Americans who believe in freedom to reject political expediency and work with us to correct a fundamental moral deficiency in the present federal labor statute—the National Labor Relations Act.

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 for rights of individuals which is rampant throughout unionism today.

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

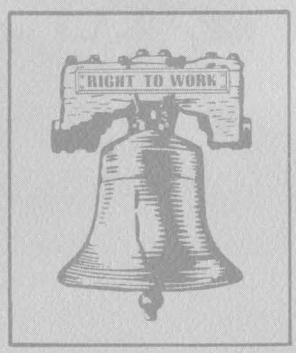
* * * * * *

The National Right to Work Committee is a coalition of employers and employees organized in 1955 with a single purpose: protecting the right of individual workers to join or not to join a union without losing their jobs. The National Committee believes that all Americans must have the right but not be compelled to join labor unions.

The National Committee led the fight in 1965-1966 to preserve Section 14(b) of the Taft-Hartley Act and has been largely responsible for defeating efforts in recent years to impose compulsory unionism on farm workers, public employees and postal workers.

For more information about how you can help fight compulsory unionism, write:

Information Division
National Right to Work Committee
1990 M Street, N.W.
Washington, D.C. 20036



"Good Unions Don't Need Compulsory Unionism; Bad Unions Don't Deserve It."

"Good Unions Don't Need Compulsory Unionism; Bad Unions Don't Deserve It."

"THE ONLY PRACTICABLE WAY OF RESTORING... FREEDOM"

by F. A. Hayek

The 1974 winner of the Nobel Prize in economic sciences, Friedrich A. Von Hayek, discusses the need for Right to Work laws in this chapter from his highly acclaimed book, "The Constitution of Liberty."

F. A. Hayek was co-recipient along with Gunnar Myrdal of the 1974 Nobel Prize in Economic Sciences. A member of the faculty at the University of Freiburg (Germany) since 1962, Hayek wrote "The Constitution of Liberty" in 1960, while a professor of social and moral science in the Committee on Social Thought at the University of Chicago. Prior to joining the University of Chicago in 1950, he was a professor at the University of London.

". . . a reflective, often biting, commentary on the nature of our society and its dominant thought by one who is passionately opposed to the coercion of human beings by the arbitrary will of others, who puts liberty above welfare and is sanguine that greater welfare will thereby ensue,"
Sidney Hooks, **NEW YORK TIMES BOOK REVIEW.**

HIGHLIGHTS

"Most people . . . have so little realization of what has happened that they still support the aspirations of the unions in the belief that they are struggling for 'freedom of association,' when this term has in fact lost its meaning and the real issue has become the freedom of the individual to join or not to join a union."

"It is the techniques of coercion that unions have developed for the purpose of making membership in effect compulsory, what they call their 'organizational activities' (or, in the United States, 'union security'—a curious euphemism) that give them real power. Because the power of truly voluntary unions will be restricted to what are common interests of all workers, they have come to direct their chief efforts to the forcing of dissenters to obey their will. They could never have been successful in this without the support of a misguided public opinion and the active aid of government."

"In general, the legalization of unions has come to mean that whatever methods they regard as indispensable for their purposes are also to be treated as legal. The present coercive powers of unions thus rest chiefly on the use of methods which would not be tolerated for any other purpose and which are opposed to the protection of the individual's private sphere."

"The essential requirement is that true freedom of association be assured and that coercion be treated as equally illegitimate whether employed for or against organization, by the employer or by the employees. The principle that the end does not justify the means and that the aims of the unions do not justify their exemption from the general rules of law should be strictly applied."

". . . the unions should not be permitted to keep non-members out of any employment. This means that closed and union-shop contracts (including such varieties as the 'maintenance of membership' and 'preferential hiring' clauses) must be treated as contracts in restraint of trade and denied the protection of the law. They differ in no respect from the 'yellow-dog contract' which prohibits the individual worker from joining a union and which is commonly prohibited by the law."

"It cannot be stressed enough that the coercion which unions have been permitted to exercise contrary to all principles of freedom under the law is primarily the coercion of fellow workers. Whatever true coercive power unions may be able to wield over employers is a consequence of this primary power of coercing other workers."

"Though there ought to be no need for special 'right to work' laws, it is difficult to deny that the situation created in the United States by legislation and by the decisions of the Supreme Court may make special legislation the only practicable way of restoring the principles of freedom."

CHAPTER EIGHTEEN

Labor Unions and Employment

Government, long hostile to other monopolies, suddenly sponsored and promoted widespread labor monopolies, which democracy cannot endure, cannot control without destroying, and perhaps cannot destroy without destroying itself.

HENRY C. SIMONS

1. Public policy concerning labor unions has, in little more than a century, moved from one extreme to the other. From a state in which little the unions could do was legal if they were not prohibited altogether, we have now reached a state where they have become uniquely privileged institutions to which the general rules of law do not apply. They have become the only important instance in which governments signally fail in their prime function—the prevention of coercion and violence.

This development has been greatly assisted by the fact that unions were at first able to appeal to the general principles of liberty[1] and then retain the support of the liberals long after all discrimination against them had ceased and they had acquired exceptional privileges. In few other areas are progressives so little willing to consider the reasonableness of any particular measure but generally ask only whether it is "for or against unions" or, as it is usually put, "for or against labor."[2] Yet the briefest glance at the history of the unions should suggest that the reasonable position must lie somewhere between the extremes which mark their evolution.

Most people, however, have so little realization of what has happened that they still support the aspirations of the unions in the belief that they are struggling for "freedom of association," when this term has in fact lost its meaning and the real issue has become the freedom of the individual to join or not to join a union. The existing confusion is due in part to the rapidity with which the character of the problem has changed; in many countries voluntary associations of workers had only just become legal when they began to use coercion to force unwilling workers into membership and to keep non-members out of employment. Most people probably still believe that a "labor dispute" normally means a disagreement about remuneration and the conditions of employment, while as often as not its sole cause is an attempt on the part of the unions to force unwilling workers to join.

The acquisition of privilege by the unions has nowhere been as spectacular as in Britain, where the Trade Dispute Act of 1906 conferred "upon a trade union a freedom from civil liability for the commission of even the most heinous wrong by the union or its servant, and in short confer[red] upon every trade union a privilege and protection not possessed by any other person or body of persons, whether corporate or incorporate."[3] Similar friendly legislation helped the unions in the United States, where first the Clayton Act of 1914 exempted them from the antimonopoly provisions of the Sherman Act; the Norris–LaGuardia Act of 1932 "went a long way to establish practically complete immunity of labor organizations for torts";[4] and, finally, the Supreme Court in a crucial decision sustained "the claim of a union to the right to deny participation in the economic world to an employer."[5] More or less the same situation had gradually come to exist in most European countries by the 1920's, "less through explicit legislative permission than by the tacit toleration by authorities and courts."[6] Everywhere the legalization of unions was interpreted as a legalization of their main purpose and as recognition of their right to do whatever seemed necessary to achieve this purpose—namely, monopoly. More and more they came to be treated not as a group which was pursuing a legitimate selfish aim and which, like every other interest, must be kept in check by competing interests possessed of equal rights, but as a group whose aim—the exhaustive and comprehensive organization of all labor—must be supported for the good of the public.[7]

Although flagrant abuses of their powers by the unions have

often shocked public opinion in recent times and uncritical pro-union sentiment is on the wane, the public has certainly not yet become aware that the existing legal position is fundamentally wrong and that the whole basis of our free society is gravely threatened by the powers arrogated by the unions. We shall not be concerned here with those criminal abuses of union power that have lately attracted much attention in the United States, although they are not entirely unconnected with the privileges that unions legally enjoy. Our concern will be solely with those powers that unions today generally possess, either with the explicit permission of the law or at least with the tacit toleration of the law-enforcing authorities. Our argument will not be directed against labor unions as such; nor will it be confined to the practices that are now widely recognized as abuses. But we shall direct our attention to some of their powers which are now widely accepted as legitimate, if not as their "sacred rights." The case against these is strengthened rather than weakened by the fact that unions have often shown much restraint in exercising them. It is precisely because, in the existing legal situation, unions could do infinitely more harm than they do, and because we owe it to the moderation and good sense of many union leaders, that the situation is not much worse that we cannot afford to allow the present state of affairs to continue.[8]

2. It cannot be stressed enough that the coercion which unions have been permitted to exercise contrary to all principles of freedom under the law is primarily the coercion of fellow workers. Whatever true coercive power unions may be able to wield over employers is a consequence of this primary power of coercing other workers; the coercion of employers would lose most of its objectionable character if unions were deprived of this power to exact unwilling support. Neither the right of voluntary agreement between workers nor even their right to withhold their services in concert is in question. It should be said, however, that the latter—the right to strike—though a normal right, can hardly be regarded as an inalienable right. There are good reasons why in certain employments it should be part of the terms of employment that the worker should renounce this right; i.e., such employments should involve long-term obligations on the part of the workers, and any concerted attempts to break such contracts should be illegal.

It is true that any union effectively controlling all potential workers of a firm or industry can exercise almost unlimited pressure on the employer and that, particularly where a great amount of capital has been invested in specialized equipment, such a union can practically expropriate the owner and command nearly the whole return of his enterprise.[9] The decisive point, however, is that this will never be in the interest of all workers—except in the unlikely case where the total gain from such action is equally shared among them, irrespective of whether they are employed or not—and that, therefore, the union can achieve this only by coercing some workers against their interest to support such a concerted move.

The reason for this is that workers can raise real wages above the level that would prevail on a free market only by limiting the supply, that is, by withholding part of labor. The interest of those who will get employment at the higher wage will therefore always be opposed to the interest of those who, in consequence, will find employment only in the less highly paid jobs or who will not be employed at all.

The fact that unions will ordinarily first make the employer agree to a certain wage and then see to it that nobody will be employed for less makes little difference. Wage fixing is quite as effective a means as any other of keeping out those who could be employed only at a lower wage. The essential point is that the employer will agree to the wage only when he knows that the union has the power to keep out others.[10] As a general rule, wage fixing (whether by unions or by authority) will make wages higher than they would otherwise be only if they are also higher than the wage at which all willing workers can be employed.

Though unions may still often act on a contrary belief, there can now be no doubt that they cannot in the long run increase real wages for all wishing to work above the level that would establish itself in a free market—though they may well push up the level of money wages, with consequences that will occupy us later. Their success in raising real wages beyond that point, if it is to be more than temporary, can benefit only a particular group at the expense of others. It will therefore serve only a sectional interest even when it obtains the support of all. This means that strictly voluntary unions, because their wage policy would not be in the interest of all workers, could not long receive the support of all. Unions that had no power to coerce outsiders would thus not be strong enough

to force up wages above the level at which all seeking work could be employed, that is, the level that would establish itself in a truly free market for labor in general.

But, while the real wages of all the employed can be raised by union action only at the price of unemployment, unions in particular industries or crafts may well raise the wages of their members by forcing others to stay in less-well-paid occupations. How great a distortion of the wage structure this in fact causes is difficult to say. If one remembers, however, that some unions find it expedient to use violence in order to prevent any influx into their trade and that others are able to charge high premiums for admission (or even to reserve jobs in the trade for children of present members), there can be little doubt that this distortion is considerable. It is important to note that such policies can be employed successfully only in relatively prosperous and highly paid occupations and that they will therefore result in the exploitation of the relatively poor by the better-off. Even though within the scope of any one union its actions may tend to reduce differences in remuneration, there can be little doubt that, so far as relative wages in major industries and trades are concerned, unions today are largely responsible for an inequality which has no function and is entirely the result of privilege.[11] This means that their activities necessarily reduce the productivity of labor all around and therefore also the general level of real wages; because, if union action succeeds in reducing the number of workers in the highly paid jobs and in increasing the number of those who have to stay in the less remunerative ones, the result must be that the over-all average will be lower. It is, in fact, more than likely that, in countries where unions are very strong, the general level of real wages is lower than it would otherwise be.[12] This is certainly true of most countries of Europe, where union policy is strengthened by the general use of restrictive practices of a "make-work" character.

If many still accept as an obvious and undeniable fact that the general wage level has risen as fast as it has done because of the efforts of the unions, they do so in spite of these unambiguous conclusions of theoretical analysis—and in spite of empirical evidence to the contrary. Real wages have often risen much faster when unions were weak than when they were strong; furthermore, even the rise in particular trades or industries where labor was not organized has frequently been much faster than in highly organ-

ized and equally prosperous industries.[13] The common impression to the contrary is due partly to the fact that wage gains, which are today mostly obtained in union negotiations, are for that reason regarded as obtainable only in this manner[14] and even more to the fact that, as we shall presently see, union activity does in fact bring about a continuous rise in money wages exceeding the increase in real wages. Such increase in money wages is possible without producing general unemployment only because it is regularly made ineffective by inflation—indeed, it must be if full employment is to be maintained.

3. If unions have in fact achieved much less by their wage policy than is generally believed, their activities in this field are nevertheless economically very harmful and politically exceedingly dangerous. They are using their power in a manner which tends to make the market system ineffective and which, at the same time, gives them a control of the direction of economic activity that would be dangerous in the hands of government but is intolerable if exercised by a particular group. They do so through their influence on the relative wages of different groups of workers and through their constant upward pressure on the level of money wages, with its inevitable inflationary consequences.

The effect on relative wages is usually greater uniformity and rigidity of wages within any one union-controlled group and greater and non-functional differences in wages between different groups. This is accompanied by a restriction of the mobility of labor, of which the former is either an effect or a cause. We need say no more about the fact that this may benefit particular groups but can only lower the productivity and therefore the incomes of the workers in general. Nor need we stress here the fact that the greater stability of the wages of particular groups which unions may secure is likely to involve greater instability of employment. What is important is that the accidental differences in union power of the different trades and industries will produce not only gross inequalities in remuneration among the workers which have no economic justification but uneconomic disparities in the development of different industries. Socially important industries, such as building, will be greatly hampered in their development and will conspicuously fail to satisfy urgent needs simply because their character offers the unions special opportunities for coercive monopolistic practices.[15] Because unions are most powerful where

capital investments are heaviest, they tend to become a deterrent to investment—at present probably second only to taxation. Finally, it is often union monopoly in collusion with enterprise that becomes one of the chief foundations of monopolistic control of the industry concerned.

The chief danger presented by the current development of unionism is that, by establishing effective monopolies in the supply of the different kinds of labor, the unions will prevent competition from acting as an effective regulator of the allocation of all resources. But if competition becomes ineffective as a means of such regulation, some other means will have to be adopted in its place. The only alternative to the market, however, is direction by authority. Such direction clearly cannot be left in the hands of particular unions with sectional interests, nor can it be adequately performed by a unified organization of all labor, which would thereby become not merely the strongest power in the state but a power completely controlling the state. Unionism as it is now tends, however, to produce that very system of over-all socialist planning which few unions want and which, indeed, it is in their best interest to avoid.

4. The unions cannot achieve their principal aims unless they obtain complete control of the supply of the type of labor with which they are concerned; and, since it is not in the interest of all workers to submit to such control, some of them must be induced to act against their own interest. This may be done to some extent through merely psychological and moral pressure, encouraging the erroneous belief that the unions benefit all workers. Where they succeed in creating a general feeling that every worker ought, in the interest of his class, to support union action, coercion comes to be accepted as a legitimate means of making a recalcitrant worker do his duty. Here the unions have relied on a most effective tool, namely, the myth that it is due to their efforts that the standard of living of the working class has risen as fast as it has done and that only through their continued efforts will wages continue to increase as fast as possible—a myth in the assiduous cultivation of which the unions have usually been actively assisted by their opponents. A departure from such a condition can come only from a truer insight into the facts, and whether this will be achieved depends on how effectively economists do their job of enlightening public opinion.

But though this kind of moral pressure exerted by the unions may be very powerful, it would scarcely be sufficient to give them the power to do real harm. Union leaders apparently agree with the students of this aspect of unionism that much stronger forms of coercion are needed if the unions are to achieve their aims. It is the techniques of coercion that unions have developed for the purpose of making membership in effect compulsory, what they call their "organizational activities" (or, in the United States, "union security"—a curious euphemism) that give them real power. Because the power of truly voluntary unions will be restricted to what are common interests of all workers, they have come to direct their chief efforts to the forcing of dissenters to obey their will.

They could never have been successful in this without the support of a misguided public opinion and the active aid of government. Unfortunately, they have to a large extent succeeded in persuading the public that complete unionization is not only legitimate but important to public policy. To say that the workers have a right to form unions, however, is not to say that the unions have a right to exist independently of the will of the individual workers. Far from being a public calamity, it would indeed be a highly desirable state of affairs if the workers should not feel it necessary to form unions. Yet the fact that it is a natural aim of the unions to induce all workers to join them has been so interpreted as to mean that the unions ought to be entitled to do whatever seems necessary to achieve this aim. Similarly, the fact that it is legitimate for unions to try to secure higher wages has been interpreted to mean that they must also be allowed to do whatever seems necessary to succeed in their effort. In particular, because striking has been accepted as a legitimate weapon of unions, it has come to be believed that they must be allowed to do whatever seems necessary to make a strike successful. In general, the legalization of unions has come to mean that whatever methods they regard as indispensable for their purposes are also to be treated as legal.

The present coercive powers of unions thus rest chiefly on the use of methods which would not be tolerated for any other purpose and which are opposed to the protection of the individual's private sphere. In the first place, the unions rely—to a much greater extent than is commonly recognized—on the use of the picket line as an instrument of intimidation. That even so-called "peaceful" picketing in numbers is severely coercive and the con-

doning of it constitutes a privilege conceded because of its presumed legitimate aim is shown by the fact that it can be and is used by persons who themselves are not workers to force others to form a union which they will control, and that it can also be used for purely political purposes or to give vent to animosity against an unpopular person. The aura of legitimacy conferred upon it because the aims are often approved cannot alter the fact that it represents a kind of organized pressure upon individuals which in a free society no private agency should be permitted to exercise.

Next to the toleration of picketing, the chief factor which enables unions to coerce individual workers is the sanction by both legislation and jurisdiction of the closed or union shop and its varieties. These constitute contracts in restraint of trade, and only their exemption from the ordinary rules of law has made them legitimate objects of the "organizational activities" of the unions. Legislation has frequently gone so far as to require not only that a contract concluded by the representatives of the majority of the workers of a plant or industry be available to any worker who wishes to take advantage of it, but that it apply to all employees, even if they should individually wish and be able to obtain a different combination of advantages.[16] We must also regard as inadmissible methods of coercion all secondary strikes and boycotts which are used not as an instrument of wage bargaining but solely as a means of forcing other workers to fall in with union policies.

Most of these coercive tactics of the unions can be practiced, moreover, only because the law has exempted groups of workers from the ordinary responsibility of joint action, either by allowing them to avoid formal incorporation or by explicitly exempting their organizations from the general rules applying to corporate bodies. There is no need to consider separately various other aspects of contemporary union policies such as, to mention one, industry-wide or nation-wide bargaining. Their practicability rests on the practices already mentioned, and they would almost certainly disappear if the basic coercive power of the unions were removed.[17]

5. It can hardly be denied that raising wages by the use of coercion is today the main aim of unions. Even if this were their sole aim, legal prohibition of unions would however, not be justifiable. In a free society much that is undesirable has to be tolerated if it cannot be prevented without discriminatory legislation. But

the control of wages is even now not the only function of the unions; and they are undoubtedly capable of rendering services which are not only unobjectionable but definitely useful. If their only purpose were to force up wages by coercive action, they would probably disappear if deprived of coercive power. But unions have other useful functions to perform, and, though it would be contrary to all our principles even to consider the possibility of prohibiting them altogether, it is desirable to show explicitly why there is no economic ground for such action and why, as truly voluntary and non-coercive organizations, they may have important services to render. It is in fact more than probable that unions will fully develop their potential usefulness only after they have been diverted from their present antisocial aims by an effective prevention of the use of coercion.[18]

Unions without coercive powers would probably play a useful and important role even in the process of wage determination. In the first place, there is often a choice to be made between wage increases, on the one hand, and, on the other, alternative benefits which the employer could provide at the same cost but which he can provide only if all or most of the workers are willing to accept them in preference to additional pay. There is also the fact that the relative position of the individual on the wage scale is often nearly as important to him as his absolute position. In any hierarchical organization it is important that the differentials between the remuneration for the different jobs and the rules of promotion are felt to be just by the majority.[19] The most effective way of securing consent is probably to have the general scheme agreed to in collective negotiations in which all the different interests are represented. Even from the employer's point of view it would be difficult to conceive of any other way of reconciling all the different considerations that in a large organization have to be taken into account in arriving at a satisfactory wage structure. An agreed set of standard terms, available to all who wish to take advantage of them, though not excluding special arrangements in individual cases, seems to be required by the needs of large-scale organizations.

The same is true to an even greater extent of all the general problems relating to conditions of work other than individual remuneration, those problems which truly concern all employees and which, in the mutual interest of workers and employers, should be regulated in a manner that takes account of as many

desires as possible. A large organization must in a great measure be governed by rules, and such rules are likely to operate most effectively if drawn up with the participation of the workers.[20] Because a contract between employers and employees regulates not only relations between them but also relations between the various groups of employees, it is often expedient to give it the character of a multilateral agreement and to provide in certain respects, as in grievance procedure, for a degree of self-government among the employees.

There is, finally, the oldest and most beneficial activity of the unions, in which as "friendly societies" they undertake to assist members in providing against the peculiar risks of their trade. This is a function which must in every respect be regarded as a highly desirable form of self-help, albeit one which is gradually being taken over by the welfare state. We shall leave the question open, however, as to whether any of the above arguments justify unions of a larger scale than that of the plant or corporation.

An entirely different matter, which we can mention here only in passing, is the claim of unions to participation in the conduct of business. Under the name of "industrial democracy" or, more recently, under that of "co-determination," this has acquired considerable popularity, especially in Germany and to a lesser degree in Britain. It represents a curious recrudescence of the ideas of the syndicalist branch of nineteenth-century socialism, the least-thought-out and most impractical form of that doctrine. Though these ideas have a certain superficial appeal, they reveal inherent contradictions when examined. A plant or industry cannot be conducted in the interest of some permanent distinct body of workers if it is at the same time to serve the interests of the consumers. Moreover, effective participation in the direction of an enterprise is a full-time job, and anybody so engaged soon ceases to have the outlook and interest of an employee. It is not only from the point of view of the employers, therefore, that such a plan should be rejected; there are very good reasons why in the United States union leaders have emphatically refused to assume any responsibility in the conduct of business. For a fuller examination of this problem we must, however, refer the reader to the careful studies, now available, of all its implications.[21]

6. Though it may be impossible to protect the individual against all union coercion so long as general opinion regards it as

legitimate, most students of the subject agree that comparatively few and, as they may seem at first, minor changes in law and jurisdiction would suffice to produce far-reaching and probably decisive changes in the existing situation.[22] The mere withdrawal of the special privileges either explicitly granted to the unions or arrogated by them with the toleration of the courts would seem enough to deprive them of the more serious coercive powers which they now exercise and to channel their legitimate selfish interests so that they would be socially beneficial.

The essential requirement is that true freedom of association be assured and that coercion be treated as equally illegitimate whether employed for or against organization, by the employer or by the employees. The principle that the end does not justify the means and that the aims of the unions do not justify their exemption from the general rules of law should be strictly applied. Today this means, in the first place, that all picketing in numbers should be prohibited, since it is not only the chief and regular cause of violence but even in its most peaceful forms is a means of coercion. Next, the unions should not be permitted to keep non-members out of any employment. This means that closed- and union-shop contracts (including such varieties as the "maintenance of membership" and "preferential hiring" clauses) must be treated as contracts in restraint of trade and denied the protection of the law. They differ in no respect from the "yellow-dog contract" which prohibits the individual worker from joining a union and which is commonly prohibited by the law.

The invalidating of all such contracts would, by removing the chief objects of secondary strikes and boycotts, make these and similar forms of pressure largely ineffective. It would be necessary, however, also to rescind all legal provisions which make contracts concluded with the representatives of the majority of workers of a plant or industry binding on all employees and to deprive all organized groups of any right of concluding contracts binding on men who have not voluntarily delegated this authority to them.[23] Finally, the responsibility for organized and concerted action in conflict with contractual obligations or the general law must be firmly placed on those in whose hands the decision lies, irrespective of the particular form of organized action adopted.

It would not be a valid objection to maintain that any legislation making certain types of contracts invalid would be contrary to the principle of freedom of contract. We have seen before (in

chap. xv) that this principle can never mean that all contracts will be legally binding and enforcible. It means merely that all contracts must be judged according to the same general rules and that no authority should be given discretionary power to allow or disallow particular contracts. Among the contracts to which the law ought to deny validity are contracts in restraint of trade. Closed- and union-shop contracts fall clearly into this category. If legislation, jurisdiction, and the tolerance of executive agencies had not created privileges for the unions, the need for special legislation concerning them would probably not have arisen in common-law countries. That there is such a need is a matter for regret, and the believer in liberty will regard any legislation of this kind with misgivings. But, once special privileges have become part of the law of the land, they can be removed only by special legislation. Though there ought to be no need for special "right-to-work laws," it is difficult to deny that the situation created in the United States by legislation and by the decisions of the Supreme Court may make special legislation the only practicable way of restoring the principles of freedom.[24]

The specific measures which would be required in any given country to reinstate the principles of free association in the field of labor will depend on the situation created by its individual development. The situation in the United States is of special interest, for here legislation and the decisions of the Supreme Court have probably gone further than elsewhere[25] in legalizing union coercion and very far in conferring discretionary and essentially irresponsible powers on administrative authority. But for further details we must refer the reader to the important study by Professor Petro on *The Labor Policy of the Free Society*,[26] in which the reforms required are fully described.

Though all the changes needed to restrain the harmful powers of the unions involve no more than that they be made to submit to the same general principles of law that apply to everybody else, there can be no doubt that the existing unions will resist them with all their power. They know that the achievement of what they at present desire depends on that very coercive power which will have to be restrained if a free society is to be preserved. Yet the situation is not hopeless. There are developments under way which sooner or later will prove to the unions that the existing state cannot last. They will find that, of the alternative courses of further development open to them, submitting to the general

principle that prevents all coercion will be greatly preferable in the long run to continuing their present policy; for the latter is bound to lead to one of two unfortunate consequences.

7. While labor unions cannot in the long run substantially alter the level of real wages that all workers can earn and are, in fact, more likely to lower than to raise them, the same is not true of the level of money wages. With respect to them, the effect of union action will depend on the principles governing monetary policy. What with the doctrines that are now widely accepted and the policies accordingly expected from the monetary authorities, there can be little doubt that current union policies must lead to continuous and progressive inflation. The chief reason for this is that the dominant "full-employment" doctrines explicitly relieve the unions of the responsibility for any unemployment and place the duty of preserving full employment on the monetary and fiscal authorities. The only way in which the latter can prevent union policy from producing unemployment is, however, to counter through inflation whatever excessive rises in real wages unions tend to cause.

In order to understand the situation into which we have been led, it will be necessary to take a brief look at the intellectual sources of the full-employment policy of the "Keynesian" type. The development of Lord Keynes's theories started from the correct insight that the regular cause of extensive unemployment is real wages that are too high. The next step consisted in the proposition that a direct lowering of money wages could be brought about only by a struggle so painful and prolonged that it could not be contemplated. Hence he concluded that real wages must be lowered by the process of lowering the value of money. This is really the reasoning underlying the whole "full-employment" policy, now so widely accepted.[27] If labor insists on a level of money wages too high to allow of full employment, the supply of money must be so increased as to raise prices to a level where the real value of the prevailing money wages is no longer greater than the productivity of the workers seeking employment. In practice, this necessarily means that each separate union, in its attempt to overtake the value of money, will never cease to insist on further increases in money wages and that the aggregate effort of the unions will thus bring about progressive inflation.

This would follow even if individual unions did no more than

prevent any reduction in the money wages of any particular group. Where unions make such wage reductions impracticable and wages have generally become, as the economists put it, "rigid downward," all the changes in relative wages of the different groups made necessary by the constantly changing conditions must be brought about by raising all money wages except those of the group whose relative real wages must fall. Moreover, the general rise in money wages and the resulting increase in the cost of living will generally lead to attempts, even on the part of the latter group, to push up money wages, and several rounds of successive wage increases will be required before any readjustment of relative wages is produced. Since the need for adjustment of relative wages occurs all the time, this process alone produces the wage-price spiral that has prevailed since the second World War, that is, since full-employment policies became generally accepted.[28]

The process is sometimes described as though wage increases directly produced inflation. This is not correct. If the supply of money and credit were not expanded, the wage increases would rapidly lead to unemployment. But under the influence of a doctrine that represents it as the duty of the monetary authorities to provide enough money to secure full employment at any given wage level, it is politically inevitable that each round of wage increases should lead to further inflation.[29] Or it is inevitable until the rise of prices becomes sufficiently marked and prolonged to cause serious public alarm. Efforts will then be made to apply the monetary brakes. But, because by that time the economy will have become geared to the expectation of further inflation and much of the existing employment will depend on continued monetary expansion, the attempt to stop it will rapidly produce substantial unemployment. This will bring a renewed and irresistible pressure for more inflation. And, with ever bigger doses of inflation, it may be possble for quite a long time to prevent the appearance of the unemployment which the wage pressure would otherwise cause. To the public at large it will seem as if progressive inflation were the direct consequence of union wage policy rather than of an attempt to cure its consequences.

Though this race between wages and inflation is likely to go on for some time, it cannot go on indefinitely without people coming to realize that it must somehow be stopped. A monetary policy that would break the coercive powers of the unions by producing extensive and protracted unemployment must be excluded, for it

would be politically and socially fatal. But if we do not succeed in time in curbing union power at its source, the unions will soon be faced with a demand for measures that will be much more distasteful to the individual workers, if not the union leaders, than the submission of the unions to the rule of law: the clamor will soon be either for the fixing of wages by government or for the complete abolition of the unions.

8. In the field of labor, as in any other field, the elimination of the market as a steering mechanism would necessitate the replacement of it by a system of administrative direction. In order to approach even remotely the ordering function of the market, such direction would have to co-ordinate the whole economy and therefore, in the last resort, have to come from a single central authority. And though such an authority might at first concern itself only with the allocation and remuneration of labor, its policy would necessarily lead to the transformation of the whole of society into a centrally planned and administered system, with all its economic and political consequences.

In those countries in which inflationary tendencies have operated for some time, we can observe increasingly frequent demands for an "over-all wage policy." In the countries where these tendencies have been most pronounced, notably in Great Britain, it appears to have become accepted doctrine among the intellectual leaders of the Left that wages should generally be determined by a "unified policy," which ultimately means that government must do the determining.[30] If the market were thus irretrievably deprived of its function, there would be no efficient way of distributing labor throughout the industries, regions, and trades, other than having wages determined by authority. Step by step, through setting up an official conciliation and arbitration machinery with compulsory powers, and through the creation of wage boards, we are moving toward a situation in which wages will be determined by what must be essentially arbitrary decisions of authority.

All this is no more than the inevitable outcome of the present policies of labor unions, who are led by the desire to see wages determined by some conception of "justice" rather than by the forces of the market. But in no workable system could any group of people be allowed to enforce by the threat of violence what it believes it should have. And when not merely a few privileged groups but most of the important sections of labor have become

effectively organized for coercive action, to allow each to act independently would not only produce the opposite of justice but result in economic chaos. When we can no longer depend on the impersonal determination of wages by the market, the only way we can retain a viable economic system is to have them determined authoritatively by government. Such determination must be arbitrary, because there are no objective standards of justice that could be applied.[31] As is true of all other prices or services, the wage rates that are compatible with an open opportunity for all to seek employment do not correspond to any assessable merit or any independent standard of justice but must depend on conditions which nobody can control.

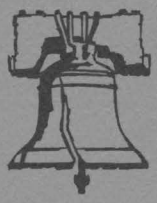
Once government undertakes to determine the whole wage structure and is thereby forced to control employment and production, there will be a far greater destruction of the present powers of the unions than their submission to the rule of equal law would involve. Under such a system the unions will have only the choice between becoming the willing instrument of governmental policy and being incorporated into the machinery of government, on the one hand, and being totally abolished, on the other. The former alternative is more likely to be chosen, since it would enable the existing union bureaucracy to retain their position and some of their personal power. But to the workers it would mean complete subjection to the control by a corporative state. The situation in most countries leaves us no choice but to await some such outcome or to retrace our steps. The present position of the unions cannot last, for they can function only in a market economy which they are doing their best to destroy.

9. The problem of labor unions constitutes both a good test of our principles and an instructive illustration of the consequences if they are infringed. Having failed in their duty of preventing private coercion, governments are now driven everywhere to exceed their proper function in order to correct the results of that failure and are thereby led into tasks which they can perform only by being as arbitrary as the unions. So long as the powers that the unions have been allowed to acquire are regarded as unassailable, there is no way to correct the harm done by them but to give the state even greater arbitrary power of coercion. We are indeed already experiencing a pronounced decline of the rule of law in the field of labor.[32] Yet all that is really needed to remedy the

situation is a return to the principles of the rule of law and to their consistent application by legislative and executive authorities.

This path is still blocked, however, by the most fatuous of all fashionable arguments, namely, that "we cannot turn the clock back." One cannot help wondering whether those who habitually use this cliché are aware that it expresses the fatalistic belief that we cannot learn from our mistakes, the most abject admission that we are incapable of using our intelligence. I doubt whether anybody who takes a long-range view believes that there is another satisfactory solution which the majority would deliberately choose if they fully understood where the present developments were leading. There are some signs that farsighted union leaders are also beginning to recognize that, unless we are to resign ourselves to the progressive extinction of freedom, we must reverse that trend and resolve to restore the rule of law and that, in order to save what is valuable in their movement, they must abandon the illusions which have guided it for so long.[33]

Nothing less than a rededication of current policy to principles already abandoned will enable us to avert the threatening danger to freedom. What is required is a change in economic policy, for in the present situation the tactical decisions which will seem to be required by the short-term needs of government in successive emergencies will merely lead us further into the thicket of arbitrary controls. The cumulative effects of those palliatives which the pursuit of contradictory aims makes necessary must prove strategically fatal. As is true of all problems of economic policy, the problem of labor unions cannot be satisfactorily solved by *ad hoc* decisions on particular questions but only by the consistent application of a principle that is uniformly adhered to in all fields. There is only one such principle that can preserve a free society: namely, the strict prevention of all coercion except in the enforcement of general abstract rules equally applicable to all.



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The Washington Star

CAPITAL SPECIAL

TUESDAY, MAY 20, 1975

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Ford Aide Backs Federal Union Bargaining

By Joseph Young
Washington Star Staff Writer

President Ford's chief aide on labor-management affairs has come out strongly in favor of collective bargaining rights under law for federal employes and their unions.

In what appears to be a change in the administration's attitude, W. J. Usery Jr., special assistant to the President on labor relations and the director of the Federal Mediation and Conciliation Service, said the presidential executive order under which the present program operates is woefuly inadquate.

"Everyone knows that an executive order, in the minds of many, is a weak substitute for law," Usery told an American Federation of Government Employes banquet in Salt Lake City.

"An executive order — whether from the hand of a Republican or Democrat — bears the inescapable mark of management," Usery said, adding that "there is precious little collective bargaining in the federal sector" under the present system whereby management deals with unions under a presidential executive order.

"And so long as unions are restricted from bargaining on all of the vital economic issues — wages, pensions, medical care, vacations, holidays, insurance...and many aspects of a multitude of noneconomic issues — seniority, job transfers, discipline, promotion, union security...there can be no fulfillment of our national policy in the government's own house," Usery continued.

Pulling no punches, Usery added, "The end product, all too frequently, is a contract that simply restates what management says management will do — and providing only the protection to grieve should management violate its own rules."

Usery concluded, "I believe that this condition, in itself, can and should be relieved through the adoption of federal legislation bringing true collective bargaining to your members."

Although Usery in the past has generally given rather mild philosphical endorsement of federal employe bargaining rights by law, he never until now stated his views so strongly and emphatically nor advocated immediate action as he does now.

In fact, in his AFGE speech, Usery said any delay in enacting such collective bargaining rights under law "carries with it some inherent dangers." He noted that illegal strikes or walkouts by federal employes could result if true collective bargaining rights are not given them.

Federal employe leaders are greatly heartened by Usery's speech, feeling that it will give a great boost to pending legislation in Congress to give government unions true collective bargaining rights. They appear confident that such a law will be enacted either this year or next year at the latest.

Since January 1, 1974, none of the State Legislatures has enacted a law authorizing "agency shop" agreements covering State, county and municipal employees.

Laws sanctioning public sector collective bargaining were adopted during the past 17 months by the legislatures of Florida, Indiana, Iowa and Maine. The Florida and Iowa laws explicitly prohibit all forms of compulsory unionism. Provisions condoning involuntary unionism were amended out of the Indiana and Maine bills before they became law.

Since January 1, 1974, proposals designed to legalize "agency shop" agreements covering public employees have failed in the legislatures of

California	Maryland
Idaho	Maryland
Indiana	New Jersey
Kentucky	West Virginia
Maine	

Thirty-four States presently guarantee absolute freedom of choice to their public employees, while 12 States deny freedom of choice in their public sectors.

FEDERAL EMPLOYEE COLLECTIVE BARGAINING LEGISLATION

BILL AND BACKGROUND	HOUSE	SENATE	REMARKS
* HR 13 (Nix) -- Set up Federal Labor Relations Authority, regulate labor management relations in Federal employment, agency shop, monopoly representation.	Manpower/Civil Service Subcommittee		No hearings scheduled
* HR 79 (Forsythe, Roe, Fenwick), HR 3106 (Helstoski), HR 6912 (Hanley) -- same as HR 13.	-do-		-do-
* HR 56 (Wilson) -- Union security in U.S. Postal Service.	Postal Facilities Subcommittee hearings, March 1975		Subcommittee "deferred to later date"
* HR 1837 (Ford) -- Establish Federal Employee Labor Relations board; regulate federal labor management relations, agency shop, monopoly representation.	Manpower/Civil Service Subcommittee		No hearings scheduled
* HR 2881 (Ford), HR 4663 (Burton) -- same as HR 56.	same as HR 56 above		same as HR 56 above
* HR 4800 (Henderson) -- Set up Federal Labor Relations Authority, labor management relations in federal service; freedom of choice guaranteed.	Manpower/Civil Service Subcommittee		No hearings scheduled
* HR 1581 (Ashbrook) -- Federal employees freedom of choice.	Manpower/Civil Service Subcommittee		No hearings scheduled
* HR 3628 (Crane and others), HR 4232 (Robinson) -- Federal employees freedom of choice.	-do-		-do-

STATE, COUNTY, MUNICIPAL EMPLOYEE COLLECTIVE BARGAINING LEGISLATION

BILL AND BACKGROUND	HOUSE	SENATE	REMARKS
* HR 77 (Thompson) -- extend NLRA to public employees; monopoly representation, compulsory unionism arrangements authorized.	Special Labor Subcommittee		No hearings scheduled
* HR 1488 (Roybal) -- "National Public Employee Relations Act"; authorizes agency shop, monopoly representation.	Education & Labor Committee		No hearings scheduled

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FORUM

(Federal Times does not necessarily share the position taken by Mr. Larson on the union shop. We do believe, however, that he has eloquently addressed one side of an issue that will surface in the next Congress.

(Whatever else that may be said of Mr. Larson he does convey a most provocative point of view and that is the purpose of *Forum.* — *Editor.)*

Compulsory Unionism: A Negative View

By REED LARSON

ONE OF the most talked about political events in years took place recently when AFL-CIO President George Meany legitimatized his break with Democratic Party chieftain Robert Strauss.

Just about every political commentator in the business had an interpretation of the falling-out.

At the same time, they completely missed the significance of an equally dramatic political story which was unfolding on Capitol Hill.

Because while Meany and Strauss were consummating their royale spat, the "new guard" of Big Labor was — with the open assistance of House Democratic leaders—assuming command of the 94th Congress by stacking key committees with dozens of pliable congressmen who owe their elections to union politicking.

As a result, officials of the AFL-CIO public sector unions, who recently pooled their muscle in a new AFL-CIO subdivision (the public union department), will be calling many of the shots in the new Congress.

• LEGISLATIVE ASSAULT — This is not just significant because it happened, or because it was overlooked by virtually every Washington journalist except Mary Russell of The Washington Post. It's important because it paves the way for a major assault in the new Congress for union-written legislation which would compel federal and postal employees, and eventually public employees at all other levels of government, to pay money to unwanted unions in order to work for their own government.

As *Federal Times* readers know, hearings were held on similar compulsory unionism legislation in the 93rd Congress, but were stymied there by the public's lack of support.

We doubt the present Congress will care much whether the public supports or opposes such legislation.

Anyway, according to our reading of the present political climate, hearings — which will undoubtedly be stacked with union representatives — probably will be held on similar legislation early in the 94th Congress and legislation very likely will be reported out of committee.

And a real donnybrook will take place on the Senate and House floors, pitting the powerful AFL-CIO political machine and its congressional buddies against the expressed wishes of the American people, the vast majority of whom reject the idea that anyone, especially not government employees, should have to pay tribute to a private organization in order to earn a living.

An independent public opinion survey conducted less than a year ago showed that more than two-thirds of the American people support this Right to Work point of view.

Above all else, top union officials want, and expect the 94th Congress to give them, revolutionary new labor laws which would compel all 14.5 million public employees to pay money to unwanted unions in order to keep their jobs.

Compulsory union legislation affecting federal and postal service employees will be pushed early to test the waters.

Why union officials think they can get such legislation passed by the new Congress is no secret.

• UNION BUYING POWER — It is reliably estimated that a figure of $25 million would be on the conservative side if a price tag could be put on union political spending in the recent federal elections.

Nationally syndicated labor columnist Victor Riesel, whose estimates have been disputed but never disproven by union officials, claims to have "stopped counting" around the $25 million mark.

And union political spending expert Douglas Caddy, whose controversial book "The Hundred Million Dollar Payoff" is considered the most authoritative work in this area, claims the 1974 figure was substantially higher.

Regardless, the money — whether it was $25 million or $125 million — was spent because the bosses of Big Labor expect Congress to repay the favor. And the compulsory unionism legislation is their number one priority.

• PUBLIC SECTOR — Obviously, public sector unions are just as heavily involved in political activities as the more established international AFL-CIO, Teamsters, and Auto Workers.

In a Detroit court battle, *Mamie Adams, et. al. v. City of Detroit, et. al.*, officials of the country's largest and most militant public sector union, the American Federation of State, County and Municipal Employees, ALF-CIO, recently admitted in a "request for admissions" that their political activities are an integral part of everything they do, indistinguishable from their other activities.

The plaintiffs in this case are a group of public employees who oppose having the union use their compulsory dues money to support political causes and candidates they personally oppose. Theoretically, the same kind of situation could arise if compulsory unionism is introduced to the federal service.

• STOOGES — Fundamentally, the proposed legislation would make federal employees and their counterparts in the post service the unwilling stooges of union officials. Anybody who would want to work for any government agency would:

(1) Have to accept an unwanted union agent as his sole legitimate "representative" in dealing with his own government.

(2) And have to pay money to the union, as a condition of employment, in order to "compensate" the union for its unwanted representation.

Individual employees, and other lawful employee organizations to which they may belong, would have *no* legal say in conditions of employment once a particular union is recognized as monopoly (exclusive) bargaining agent for the group. Put more simply, the individual's rights and freedoms would be subordinated to the union's.

• VOLUNTARY ASSOCIATION — The right of government employees to join voluntary associations is established beyond question, as it should be.

Free association is exactly the opposite of compelled association, however, which is a distinction we must keep in mind. This distinction must be preserved in the federal service.

Significantly, 34 states also have laws which strictly prohibit forced membership in any public employee organization.

Voluntary association is not a radical idea. In fact, it's the idea upon which Samuel Gompers founded the American Federation of Labor.

Gompers put it like this: "The workers of America adhere to voluntary institutions in preference to compulsory systems which are held to be not only impractical, but a menace to their rights, welfare and their liberty."

Addressing himself directly to the matter of union affiliation or non-affiliation, Gompers added, "There may be here and there a worker who for certain reasons unexplainable to us does not join a union of labor. That is his right," Gompers said.

In federal service the right to join or not join labor organizations dates back to an executive order issued by John F. Kennedy.

Arthur Goldberg, Kennedy's Secretary of Labor and a former union lawyer, explained the Kennedy Administration's rationale in a speech before the American Federation of Government Employees.

Goldberg said compulsory unionism is, very simply, "inappropriate to the Federal Government."

"And because of this," he said, "there is a larger responsibility for enlightenment on the part of the government union."

Goldberg correctly argued that voluntary unionism, designed to protect the individual employee and not the union bureaucracy, forces union officials "to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility and your own achievements."

In other words, good unions don't need compulsion.

AFGE officials, of course, know this — being one of only a dozen unions nationally to gain 100,000 or more new members during the past ten years.

Yet AFGE officials are leading the push for compulsory unionism in federal service.

• UNION RATIONALE — Union officials, correctly or incorrectly, argue that the costs of representing all the employees in a bargaining unit are prohibitive, so all employees should be required to share the burden equally. Otherwise, they argue, union members are forced to pay the costs of representing so-called "free riders."

This is how they defend the demand for involuntary union shop and "agency shop" arrangements.

Yet a simple solution is available, which they refuse to endorse.

Simply put, it's this:

If representing non-members of the union creates a problem, as they allege, then write the law so that union officials don't have to represent non-members. They have only to represent those people who want the union's representation in the first place, and are willing to pay for it.

This would solve their "problem" while protecting the right of every employee to earn a living whether or not he wishes to affiliate with a union.

If membership in government unions is permitted to become a condition of employment, meaning nobody but union members can work for the government, we might as well kiss the merit principle and responsible government goodbye.

We doubt that's what the federal government's employees want.

We know it's not what the American people want.

And we're confident they won't let this, or any other' Congress sell the rights of government workers out to the $25 million bidders.

About the Writer . . .

Reed Larson is executive vice president of the National Right to Work Committee, an organization that is dedicated to the extinction of the union shop.

The committee, founded in 1955, "believes every American should be able to get and hold a job for which he is qualified without having to join an unwanted union," says Larson.

He is one of the persons that was instrumental in having a voluntary union provision placed in the Postal Reorganization Act of 1970.

Larson joined the committee in 1959.

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United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, FIRST SESSION

Vol. 121 WASHINGTON, THURSDAY, MARCH 6, 1975 No. 36

Senate

The Senate met at 12 noon and was called to order by Hon. GARY W. HART, a Senator from the State of Colora

PRA

The Chaplain, th
L. R. Elson, D.D., o
prayer:

Hear the words
Proverbs:

Keep thy heart
for out of it are t
Proverbs 4: 23.

O Lord, our God, k
with the divine spirit
work better for the N
ing kingdom. Amen.

APPOINTMENT OF
DENT PRO

The PRESIDING
will please read a co
Senate from the Pr
(Mr. EASTLAND).

The legislative cle
letter:

PRESIDE
Washington
To the Senate:

Being temporarily a
on official duties, I a
HART, a Senator from
to perform the duties
absence.

JA
Pr

Mr. GARY W. HART thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 5, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the Senate resumed the consideration of legislative business.

AID TO CAMBODIA

Mr. MANSFIELD. Mr. President, on February 25, in a letter to the Speaker of the House, the President said that "an independent Cambodia cannot survive" without the supplemental aid he requested and posed the question: "Are we to deliberately abandon a small country in the midst of its life and death struggle?" The day before, Assistant Secretary of State Philip Habib told a Senate Foreign Relations Subcommittee that only if the aid requested was provided can "that nation survive." Now Secretary Habib has made a "summary of negotiating efforts on Cambodia" available to the Congress and the media. The State Department claimed yesterday that the August 1973 halt of U.S. bombing in Cambodia, which Congress ordered—and I did not vote for that particular pro-

On March 6, eight U.S. Senators, led by former Salt Lake City mayor Jake Garn, held a lengthy colloquy on proposed compulsory public sector "bargaining" legislation. We feel their remarks deserve your attention, even though the colloquy received little, if any, media coverage. (See next page.)

-- Reed Larson
Executive Vice President
NATIONAL RIGHT TO WORK
COMMITTEE

public discussion of legitimate policy issues relating to Indochina. And blamesmanship will not help to build a cooperative working relationship between Congress and the executive branch on foreign policy matters. The question is not who lost Cambodia, if the present government falls, but who got us into Cambodia, for what purpose and what its cost in men, money, refugees, and destruction has been.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Michigan.

(The remarks made by Mr. GRIFFIN at this point appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Utah is recognized for not to exceed 15 minutes.

Mr. GARN. Mr. President, I ask unanimous consent that a member of my staff, Daniel Wall, may have the privilege of the floor during the colloquy this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GOVERNMENTAL SOVEREIGNTY OR COMPULSORY PUBLIC SECTOR BARGAINING

Mr. GARN. Mr. President, in a letter to L. L. Stewart, president of the National Federation of Federal Employees, President Franklin Roosevelt said:

> . . . militant tactics have no place in the functions of any organization of government employees. . . . A strike of public employees manifests nothing less than an intent on their part to obstruct the operation of government until their demands are satisfied. Such action, looking toward the paralysis of government by those who have sworn to support it, is unthinkable and intolerable.

For 200 years Americans have recognized and fought for the representative, ordered, and sovereign government that President Roosevelt stood for in his statement. Yet forces are mounting which threaten this Government and the elements which support it. I refer to the drive to carry compulsory bargaining even deeper into the public sector. The battle cry has reached Capitol Hill, and as all of us in Congress know, a serious legislative drive will soon be underway to enact compulsory bargaining laws—laws that any objective analysis will show to be violently incompatible with a sovereign, responsible government.

The key ingredients we will doubtless see in forthcoming public sector collective bargaining legislation are:

First. Federal imposition of compulsory public sector bargaining on all governments—in other words, the law would force a sovereign government to negotiate as an equal with a private organization—in this case, a labor union.

Second. Monopoly bargaining privileges—that is, individual public employees would be compelled to accept unwanted union officials as their "exclusive representatives" in dealing with their own government employer.

Third. Compulsory membership where all public employees, including those who do not want the alleged "services" of the union, will have to join or pay money to the union—or lose their right to work for their own government.

It is my purpose and that of several of my colleagues to take a careful look today at a wide range of legislative proposals covering public employees. We contend that these proposals, if enacted, will severely damage the public interest. Our quality of life will be diminished through the wanton disregard of the individual rights of millions of Americans. And, the free spirit of democracy will be crushed by those who seek to compromise it.

What has led us to the point where we can actually seriously discuss the transfer of any of the sovereign functions and powers of government to a private, independent organization not subject to public control and rarely subject to public scrutiny?

The answer can be found in the enormous growth of employment in Federal, State, and local governments. The Bureau of Labor Statistics estimates that public employment has grown faster than any other sector of the economy. There are now some 14 million government workers—three million Federal employees and 11 million State, county, and municipal employees—and their number is growing by leaps and bounds. Public employment unions, having discovered that government unionism holds the most lucrative potential of all, are the fastest growing and best organized labor unions in the country. From 1951 to 1972, government work forces grew by 151 percent, payrolls by 596 percent, union membership by 130 percent, and strikes by public employees by 1,000 percent. And, I might add that one need not be a Philadelphia lawyer to realize the cost of these strikes to the taxpayer both in terms of higher taxes and in terms of disruption to the community.

Therefore, it is hardly unexpected that Americans have begun to take a closer look and active interest in labor relations of State, local, and Federal Governments. And, as a result, several States and legislatures have passed legislation governing labor relations of public employees. What have we reaped from this activity? Where has it left us and where will it take us?

Legislators have usually been persuaded to adopt the "orderly process" of collective bargaining from the private sector. The enactment of such laws are usually justified in the name of peace and tranquility. Union supporters assure the public employee/employer conjugal bliss and reduced "industrial strife." Yet the facts support the contrary.

Virtually every "solution" has created more unionization problems than have been solved. Conflicts, unrest and illegal strikes continue to mount. Moreover, the concessions employees are not able to get at the bargaining table they frequently try to get from the legislatures. The solutions, for the most part, often do nothing more than merely add to the power and privileges of union organizers,

The prohibition of public employees from striking is based on a sound premise which recognizes their unique position and potential ability to paralyze the community by a strike action. However, the record shows that officials of public employee unions openly flout laws which stand as obstacles to their quest to take over control of public services—openly flout them and then brag about their illegal actions. Seldom has this resulted in any significant legal penalty, however, because of fear on the part of public officials that strong punishment will be met with even more intensive retaliation. In New York City a few years ago, officials of public employee unions convincingly proved that they can put a major U.S. metropolis out of business whenever they choose to do so. What happened in New York City has also happened in recent years in Philadelphia, Baltimore, Albuquerque and dozens of other major cities.

Further, the majority of economists recognize the power of labor unions to force up wages and costs year after year without corresponding advances in productivity. This monopoly element, as we have recently seen first hand, is a prime cause of inflation.

Moreover, it is widespread knowledge that many candidates and elected officials have depended on contributions from labor organizations. Many newly elected Members of Congress are indebted to organized labor for their financial backing that helped them win elections. All unions including public employee unions are out for political control. Yet, the implications of political power in the hands of the public sector are far more threatening than for other unions.

And of course there is the fundamental question of whether employees should be forced to relinquish their bargaining rights to unions which they do not want.

Contrary to the evidence, a wide range of proposals will be presented for our consideration based on the hypothesis that compulsory collective bargaining for government employees "safeguards the public interest and contributes to the effective conduct of public business." Despite the profound differences between the public and private sectors, there are those who approve extension to the public sector of the same kind of compulsory collective bargaining legislation which has been operative in the private sector for some 40 years.

When the Federal Government sanction was given to exclusive union representation and compulsory unionism in private employment for private industry in 1935—through the National Labor Relations Act—it thereby extended to a private organization—a union—the power of government.

But several public employee legislative proposals would go far beyond NLRA. Bills suggested by the American Federation of State, County, and Municipal Employees and the National Education Association would force a wide aggregation of union power and special privilege on every government unit in the country outside of the Federal Government. Among a long list of special privileges these proposals would: grant monopoly status to a union without secret ballot elections, authorize strikes of public employees, permit union officials to engage in coercive acts, authorize and approve full compulsory union membership and obligate every State, political subdivision, town, city, county, borough, district, school board, board of regents, public or quasi-public corporation or any other entity which is tax supported to abide by its provisions and to obey the decisions of a national public employment relations commission.

Today's discussion will look into all aspects of these various legislative proposals as well as the development of a new spoils system through public employee political action, the rights of State and municipal governments and their employees, compulsory arbitration and the role of individual freedom in an orderly society.

This discussion will also define the distinctions between the public sector and the private sector. The public and the private sectors are as different as night and day. And, a fundamental problem lies in the fact that private sector models are being applied to the public sector where they are not appropriate. By definition collective bargaining suggests a parity of powers which is essential to the bargaining process. In the public sector this parity is nonexistent. Management in the private sector is granted a greater degree of economic leverage than its counterpart in the public sector. Because of market restraints, it is possible for an employee of private industry to negotiate himself out of a job. However, because government supplies essential services for the public, it is not possible for him to "lock out" the employees or go out of business.

The most fundamental question we will address in this dialog is whether government sovereignty can survive in the wake of compulsory public-sector bargaining. Noted law professor Dr. Sylvester Petro states:

> There is an absolute and ineradicable incompatibility between government sovereignty and compulsory public-sector bargaining, an incompatibility which must necessarily weaken if not ultimately destroy effective governing power and the integrity of government vis a vis the general citizenry, since the necessary consequence of according public-employee unions exclusive bargaining status is to encourage among government employees a tendency to repose their loyalties primarily in the units which they have been induced to believe are their protagonists.

Obviously, what we need asked and answered is whether the government—by its nature, a monopoly and the protector of all citizens' rights and liberties, has the authority legally or morally, to transfer any of its functions to a private, independent organization. When public officials acting under authority granted to them by other public officials, give union organizers the right to say who will perform public service and how those services will be performed, do not we have a situation in which the authority of government has been divested from the public?

Unwelcome as it may be in many quarters, and unrealistic as it may seem in others, the proper labor relations policy for any government might well be one which rejects collective bargaining in every form.

Last September, the U.S. District Court for the Middle District of North Carolina held constitutional a State law which declared contracts between government and unions in that State to be void. In its decision the Court said:

> . . . to the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

It is our hope that the discussion today will generate a serious national dialog about compulsory public-sector bargaining laws and governmental sovereignty. I would like to suggest that the American people and their representatives take a hard look at the validity of legislation that sanctions compulsory unionism. I, for one, intend to introduce legislation to protect this country against universal adoption of compulsory public sector bargaining laws, and I urge my colleagues to support it.

I want to make it clear that I am not opposed to voluntary unionism, or the right of individual public employees to organize and join unions if they so desire. But I am a great believer in the right of free people to decide whether they wish to do that or not. I am also a great believer in the right of the States to decide whether they shall have compulsory unionism or not.

I am not proposing or intending to propose national right-to-work laws. There are only 14 States that do so, and that is their right, to make such decisions on their own. They should not be mandated by the Senate or by Congress in efforts to oppose their will on all the local governments of this country. As a former mayor, I could not tolerate that intrusion into my ability as the chief administrative officer of a city to make such decisions, and be held accountable to the citizens of my city for those decisions.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. GARN. I ask unanimous consent that Elizabeth Yee be accorded the privileges of the floor during the remainder of the discussion on this subject.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. THURMOND. Mr. President, my colleagues here today will address the question of whether the Federal Government should impose upon the States and their political subdivisions a system of compulsory public sector collective bargaining. More broadly, we will be considering whether it is in fact in the public interest and is sound public policy for any government to be compelled to recognize and bargain with unions.

I believe that in consideration of this issue, we must pay careful attention to the question of the effect that such a system of compulsory bargaining would have on the sovereignty of government.

In this area, I would like you to consider what sovereignty consists of, whether it can exist where government is forced to submit itself and its decision-making processes to the negotiating table. I hope that at the conclusion of these remarks, it will be crystal clear that governmental sovereignty is absolutely essential and that it is so diametrically opposed to any system of compulsory public sector collective bargaining that it would not only be a grave error for us to legislate such a system for the States and their political subdivisions, but an equally grave error for this body to approve any system whereby the agencies of the executive branch of the Government of the United States would be compelled to bargain with unions representing its employees.

I wish to say at the outset that I do not believe that this position reflects on my part or on the part of my colleagues any antiworker sentiment whatsoever. We are faced with a very difficult question of public policy, and I believe the interest of the entire public, including all the employees of Government at all levels in America, is best served by systems of redress of grievances and terms of employment under which elected representatives hold and retain complete and ultimate control of the decisionmaking process. Employees of Government, like all employees, have the right of association in unions to present their position on these matters. However, because of the uniquely different character of Government employment, it is clear that collective bargaining is a system completely inappropriate to determining the terms and conditions of employment.

However, the question is sovereignty and the different nature of government which makes compulsory collective bargaining completely out of the question.

First of all, Government is a monopoly. There is not, and there cannot be, any competition with Government in its activities. There are those who will argue that Government is engaged in many activities in direct competition with the private sector. However, rather than being an argument against the concept of monopoly in Government, this should be considered an argument against these activities of Government, and we should reserve that discussion for another day. I do not think anyone will seriously question the necessity of a governmental monopoly on national defense, law enforcement, judicial proceedings, taxation, the coinage of money, or a long list of functions which belong entirely to the people through their elected representatives.

Second, in Government, as opposed to the private sector, there is no profit motive. I regard the profit motive as one of the single most important forces in giving America its tremendous productive capacity. It is at the very heart of our system of competitive free enterprise, a system which has produced a higher standard of living and more goods and services at lower prices than any other economic system, but we must submit that the profit motive is absent from considerations of Government employer-employee relations. In short, if we or any other body of elected officials pay our employees less money, not 1 cent of that money goes into our pockets. Our commission, as is that of every other elected public body, is to provide necessary services to the people in the best and most efficient manner possible. To provide those services, we must employ people, and the better people we employ, the better service we can provide. Thus it is in our interest and in the public interest

to employ and keep in our employment the very best employees. In order to do this, we must keep ever mindful that the total compensation of our employees and their working conditions must be comparable with those in the private sector.

Now we come to the last and most crucial difference between public and private employment. That is the very nature of Government itself. The ruling principle of action in the private sector is free contract. That is, every action that takes place between free individuals in a free society is done by mutual agreement. This is true in employment, in purchase, in all of our obligations. However, the ruling principle of action in Government is force. Government is government only because it and it alone has the power to rule by compulsion. This is the way it must be because only through compulsion can Government insure the ordered, peaceful society upon which all other segments of society depend for their existence.

This is the crux of the question, can any government exist as government once it has lost its sovereignty? Furthermore, can any government retain sovereignty when it must submit important decisions of public policy to collective-bargaining negotiations with unions?

The answers to these questions are simple and clear, because of the very nature of unions and collective bargaining.

A collective-bargaining relationship—any and every collective bargaining relationship—depends on establishing an adversary relationship between employer and employee. Unions, in order to win and hold the loyalty of their members, must demand more than the employer is willing to offer. If a union were to accept only what the employer offered, it would serve no useful purpose for its members and soon it would have no members. So unions by virtue of their very nature and to preserve their existence, must make demands. The only instrument that unions have at their disposal to support their demands is the withdrawal of the services of their members—the strike. The strike is, even when it is peaceful, the use of force. It cannot be defined or construed any other way. No government can call itself sovereign if it permits the use of force to enforce demands against it. We can see from this that there can be no true collective bargaining without strikes and there can be no true government with strikes.

This is the essential question we must face. Are we to have sovereign government, or are we to have public sector collective bargaining? We cannot have both. I am confident that the vast majority of the American people will agree with this position.

For us, my colleagues, the question is equally simple. We must decide whether we as the elected representatives of the people are going to continue to run our Government, or whether we are going to turn it over to a relative handful of professional union organizers.

I am firmly convinced that we must do everything in our power to resist any attempts to institute a system of compulsory public sector collective bargaining at any level of Government. I do not doubt for a moment that the future of our system of government depends on it.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona is recognized for not to exceed 15 minutes.

UNIONIZATION OF FEDERAL, STATE, COUNTY, AND MUNICIPAL EMPOLYEES

Mr. FANNIN. Mr. President, I commend my colleagues, the Senator from South Carolina and the very able and distinguished Senator from Utah; the Senator from South Carolina, who served with distinction as Governor, and who has great knowledge in the field which he is discussing, and who has worked with the employees both at the State and the local levels. I am very pleased to follow him in discussing this subject, so important to all the people of America, and my colleague from Utah, the former mayor of Salt Lake City, that great city that stands as a symbol of good government in this country of ours, and who performed admirably as its mayor, and who is now a U.S. Senator. We are proud that we have him with us, with his knowledge of the affairs of municipalities that has proven to be very helpful to us, having had recent experience in these particular fields, because we are in a period of changing times, some better and some otherwise. However, we know that there are different issues that face our municipalities today than, perhaps, when some of us served in our particular States several years ago.

Mr. President, Congress is now confronted by demands from union spokesmen to sanction the forced unionization of the 14½ million individuals employed by the States, local jurisdictions, and the Federal Government. These incredible demands were dramatized last November 6 by the first meeting of the AFL–CIO's new Public Employees Department. That meeting was featured by an address by the labor federation's president, George Meany, who said:

> Certainly, it's against the law to strike the civil service, but it's AFL–CIO policy to ignore those laws.

Now, just imagine that.

Mr. President, I was appalled by the irresponsibility of that statement.

Mr. Meany advised our 14½ million civil servants to "quit working for the guy who's kicking you around." Is that not a fine way to address these people?

> You stop the job. You shut it down. You take the consequences, and you fight. And if the guy happens to be the mayor of a city or the governor of a state, it doesn't make a damn bit of difference.

That is the end of the quote, that particular quote. I think that is a shameful quote.

It was reassuring to note that Mr. Meany was censured on the editorial page of the New York Times. That newspaper is influential. I do not always agree with it, but it observed in its edition of November 10:

> The accent Mr. Meany chose to put on militant action to bring Governors and Mayors to heel—with or without a law—raised new doubts that the general welfare would benefit from a Federal mandate to strengthen civil service unions.

On November 11 the New York Daily News editorialized as follows:

> The 94th Congress must screw up its courage and take a firm stand against such reckless labor adventuring. Government workers are entitled to representation and bargaining. But strikes against the public should be taboo—period. And that goes also for compulsory union membership. We simply cannot afford these callous, indefensible threats to the health, safety and economy of the nation. Nor should civil service workers be compelled to pay tribute to unions to hold jobs won on merit.

Mr. President, I think that illustrates exactly what we are discussing today.

These people are proud public servants. They want to hold their jobs on the basis of their merit, their work, they want to go forward, they want to earn a right to go forward.

Mr. President, today public employees in 34 of the 50 States are shielded from compulsory unionism by constitutional provisions, laws and executive orders.

Those States are Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, and Wyoming.

Mr. President, the people of these States have afforded their friends and neighbors that work for their governments this protection that is so vital to their State and the future of their particular communities, and certainly vital to this great Nation of ours.

Obviously, the safeguards now enjoyed by civil servants in those States would be eliminated by a new Federal law authorizing the forced unionization of citizens employed by the States and their political subdivisions.

Mr. President, the erection of barriers against involuntary union membership in the public sector was strongly recommended by the Advisory Commission on Intergovernmental Relations. In March 1970, that distinguished bipartisan body published its recommendations dealing with employer-employee relations in the public sector.

Mr. President, it is advantageous for us to recall that this Commission was created by the Congress in 1959. Its members represent the general public and the legislative and executive branches of Federal, State, and local governments. The Commission overseees the operation of our federal system with its division of powers, and it submits carefully studied recommendations relating to improvement of the system.

In their 1970 report members of the Advisory Commission on Intergovernmental Relations declared:

> 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 public employee organizations, this arrangement is wholly unsuitable in the public service.

A similar view of impropriety of compulsory unionism in the Federal service was expressed 13 years ago by then-Secretary of Labor Arthur Goldberg. He spoke out in defense of prohibition against the union shop and the closed shop in Executive Order 10988, issued by the late President John F. Kennedy to authorize collective bargaining in the Federal service.

Addressing members of the American Federation of Government Employees, Secretary Goldberg said:

> I know you will agree with me that the union shop and closed shop are inappropriate to the Federal government. And because of this, there is a larger responsibility for enlightment on the part of the government union. In your own organization you have to win acceptance by your own conduct, your own action, your own wisdom, your own responsibility, and your own achievements . . . so you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization.

Now, Mr. President, that was Secretary Goldberg addressing this Government employees' organization, so this is not a partisan issue, this an issue of righteousness, this is an issue of freedom.

Significantly, the ban on forced unionism in the Federal service has been maintained by President Kennedy's three successors. A similar prohibition was incorporated by the Congress in the Postal Reorganization Act of 1970.

Mr. President, if we permit ourselves to be stampeded on the issue of authorizing involuntary unionism in the public sector, exposing 14½ million public employees to union coercion, then the American people will recognize clearly that the Congress merits their contempt.

Mr. President, we should listen to the voice of the American people. We should take the actions by the people that are close to the scene of activity, to understand what is happening. They are the ones that have made the decisions as to what to be done in their particular States, particular localities.

Mr. President, I think it would be highly irresponsible for us to take an action that is contrary to their best interest.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nevada is recognized for not to exceed 15 minutes.

Mr. McCLURE. Mr. President, I ask unanimous consent that the time allotted to the Senator from Nevada under the special order be allotted to the Senator from Utah (Mr. GARN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GARN. Mr. President, I wish to amplify my previous remarks with some specific examples of the effect of laws passed by Congress that are not nearly as severe as the matter we are condemning today, that being mandatory collective bargaining and binding arbitration, and the effect these laws have had on the cities and States of this country. I refer specifically to the imposition of the Fair Labor Standards Act upon municipal and State and county governments of this country last year, despite the position of the National League of Cities Board of Directors representing 15,000 cities across this country, despite the fact that the Governors' Conference took a similar position in opposition to the Congress of the United States imposing the Fair Labor Standards Act and the provisions of it on local government, despite the fact that we testified opposed to it—Mayor Tom Bradley of Los Angeles and I, he being a Democrat, I being a Republican—despite the fact that the National League of Cities Board of Directors representing 15,000 cities, both liberals and conservatives, Republicans and Democrats, came back and testified before House and Senate committees in opposition, so that a very united bipartisan, nonpartisan effort opposed this, nevertheless it was imposed upon the cities of this country at a tremendous cost to the taxpayers of this country. I use my own city as an example.

It will require us to pay time and a half to firemen for sleeping. There will be no additional firemen, no better quality of fire service, and just in my relatively small city a cost of $3 million a year to the local taxpayers for nothing. There is an additional half million dollars because of rules that are involved with telling us how to run our personnel management system.

I will put in a specific example here. Most people know that in Salt Lake City you have very distinct seasons. You have hard winters and warm summers. So our park department employees would work a lot of overtime on the parks and golf courses during the summer and build up overtime, I might add this was on a voluntary basis. They enjoyed taking that compensatory time off in the middle of the winter when they were not needed. They would take 5 or 6 weeks off at a time and enjoy the long periods. The snow removal crews would do the opposite and would take the time off during the summer. So it enabled us to balance our work force. The employees loved it. As I said, it was voluntary and 85 percent of the employees chose to work in that manner. It saved the taxpayers some money.

Now, because Congress, due to the influence of the national labor organizations, has decided to ignore all of the mayors and Governors of this country, because I do not suppose we have as much political power, they changed those rules and said that you cannot grant compensatory time off unless you grant it during the week in which the overtime was incurred, or the following week, or you have to pay it in cash in time and a half.

That is an imposition of another half million dollars of cost on Salt Lake City government.

Congress in their great wisdom passed revenue sharing. Salt Lake City received $4 million in revenue sharing. Because of the imposition of the Fair Labor Standards Act, Congress has taken $3.5 million of it away. But more importantly, it has taken away the right of an elected mayor and a city council to make decisions in their own community, in their own sovereign community, and he held accountable to the voters of that community for their actions. So the Congress giveth and they taketh away. We have a net of a half million dollars left.

Well, we were ignored. We were not listened to by the Congress. A small group of labor leaders obviously had more effect on the outcome of this imposition of the Fair Labor Standards Act than the representatives of all of the cities in this country. So we decided to take it to court. We did, and we have received an injuction, a restraining order, from the imposition of this law. We are going to find out whether the Congress of the United States has the constitutional right to impose their will on the locally elected officials of this country.

The Governors Conference is supporting the National League of Cities and the U.S. Conference of Mayors in this effort.

I wish to add that I hope the American people will wake up to what is being done, to demonstrate the arrogance of some people in the labor movement to impose their will, despite the feelings of the elected representatives of this country.

I wish to report to the Senate a meeting held this week with the Congressional Cities Conference Workshop on Collective Bargaining held March 3, 1975, 2 p.m. to 4:30 p.m., at the International Ballroom East, Washington Hilton Hotel, Washington, D.C.

I refer to a memorandum addressed to me from Commissioner Jennings Phillips, Jr., of Salt Lake City, Utah.

This concerns the Congressional Workshop on Collective Bargaining held during the League of Cities Conference at the Washington Hilton Hotel.

Present were: Robert LaFortune, mayor, Tulsa, presiding; Robert Moss, General Counsel, House Subcommittee on Labor of the House Committee on Education and Labor; and George P. Sape, Associate Counsel, Senate Committee on

Labor and Public Welfare, representing Donald Elisburg.

I want the arrogance of this statement to be carefully noted in the RECORD:

In the introductory remarks, both Mr. Moss and Mr. Sape advised those present that regardless of what the Supreme Court's decision was on the suit brought by the League of Cities contesting the right of Congress to interfere with the employment practices of the cities and counties of this country, it was their opinion that Congress would move ahead to impose such regulations on the cities and counties.

After questions by those present, Mr. Moss and Mr. Sape stated Congress could very well make collective bargaining and the right to strike a condition of getting a federal grant.

That is really something, when employees of the Senate and the House of Representatives of the United States are telling mayors of this country that even if we win a suit in the Supreme Court of the United States declaring the very act of the Congress to be unconstitutional, that Congress will go ahead and stuff it down our throats anyway.

Mr. Moss and Mr. Sape were extremely arrogant and in essence said that we could do nothing to stop it and had just as well sit back, relax, and enjoy it.

I submit that it is time the American people awakened to what is being imposed upon them. If they want to have Government close to the people, if they want their local mayor and city council, county commissioners, Governors, and legislators able to be anything but local stooges for the Federal Government, then we cannot tolerate further extension of the power of the Federal Government into the internal affairs of local and State government. We cannot tolerate a bill that imposes mandatory collective bargaining and binding arbitration on the cities and counties of this country.

We need to work to repeal the imposition of the Fair Labor Standards Act which interferes with the sovereign right of a mayor or a Governor to administer the affairs of his own city or State.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming is recognized for not to exceed 15 minutes.

Mr. HANSEN. Mr. President, I have consistently supported efforts to require private sector unions to conduct a secret ballot vote among their members before calling a strike. I have also supported efforts to require that each new offer from management be voted on by the membership. I believe that these measures are necessary to instill the greatest amount of democracy into union affairs. Under this system, a strike could not be called unless a majority of members desired it, and union leaders would not be allowed to reject management offers without first consulting the membership. This would go a long way toward placing control of their own affairs back in the hands of the workers instead of a few union leaders.

Mr. President, in the public sector we are faced with increasing union demands for a federally mandated system of compulsory collective bargaining. A major concern has to be the question of strikes.

The undesirability of public sector strikes and the reasons for this are obvious to all of us. One needs only to look at the havoc wrought by these strikes—such as those in San Francisco and Baltimore—to realize their danger.

In Baltimore—police, prison guards, and sanitation workers on strike at the same time. The result: Garbage piled in the streets; individuals attempting to take their own garbage to the dumps harassed and physically threatened by strikers, in one instance fired upon—an uprising of inmates at the city prison subdued only with the assistance of nonrebellious inmates—looting and arson erupt within hours after the police walk off the job, resulting in millions of dollars of property damage and at least one death. And the national president of the union threatens Governor Mandel that Baltimore City would burn to the ground unless their demands were met.

In San Francisco—the city crippled by a massive strike of its employees. Public transportation shut down—schools experiencing 25 percent attendance and on a half-day schedule—San Francisco General Hospital operating on an emergency-only basis, all but 150 critically ill patients moved to other locations—over 100 million gallons of raw sewage a day being pumped into the bay. After the settlement, a local labor leader tells the strikers:

I want to compliment you on the way you mounted your picket lines—the way you kept this city in turmoil until our demands were met.

One would think that something really terrific had been accomplished, without ever giving a thought to the havoc and the pain and suffering that resulted from this illegal strike.

The scene has been repeated arcoss the country: a firemen's strike in Albuquerque that resulted in residents attempting to put out fires with garden hoses; a prolonged teacher strike in Wisconsin that led to deep divisions and outbreaks of violence within the community; a recent bus strike in Washington that, as reported in the Washington Post, most adversely affected low-income individuals that relied on the buses to get jobs far from their homes; a recent case in New York City where the leadership of the firefighter's union called a strike after the membership had voted against it.

As a rule, have we been able to prevent these work stoppages? Experience shows that we have not. Learned opinion holds that under a system of compulsory public sector collective bargaining these strikes are, in fact, unavoidable.

Experts in the field of labor relations have reached this conclusion. Theodore H. Kheel, the well-known arbitrator, has said that "collective bargaining and strikes are like siamese twins." Robert Hillman, former labor commissioner for the city of Baltimore, at a conference on public sector labor relations held this past December at the University of Maryland said, "collective bargaining means strikes." He further characterized as "hypocritical" those who believe strikes can be prevented through the enactment of legislation which obligates government to bargain with unions.

Labor leaders have echoed this and, as their actions demonstrate, have shown a total lack of regard for the law and society by engaging in illegal strikes. George Meany, speaking at the founding convention of the AFL–CIO's new Public Employee Department, said:

If you just quit working for the guy who's kicking you around. And if that guy happens to be the mayor of the city or the Governor of a State, it doesn't make a damn bit of difference.

Actual experience with public sector collective bargaining further verifies this. The State of Michigan, for example, enacted public sector bargaining legislation in 1965. In the 7 years prior to this, they had experienced one strike. In the 3 years that immediately followed, there were 103 illegal strikes. In fact, a statistical compilation of all States shows an average of 1.92 strikes per State per year before the enactment of compulsory collective-bargaining legislation and 6.58 strikes per State per year thereafter.

Let me repeat those figures: The average statistical compilation of all States prior to the enactment of this legislation was 1.92, and after the enactment of compulsory collective-bargaining legislation, that figure rose to 6.58 per State per year thereafter.

Legislated strike bans have proven ineffectual, as have penalties for illegal strikes. The vast majority of public sector strikes have been and continue to be illegal. The penalties against both the union and the individuals striking have rarely been enforced, even in those States where the law has been written so as to make these penalties automatic and mandatory. Prime among the reasons for this has been the tendency to include in the "negotiated" settlement of a strike a clause granting amnesty to the strikers and their union.

The simple fact is that collective bargaining and strikes are inseparable. Public sector unions are going to strike when and where they feel like it.

The recent trend has been to give up the fight altogether and legalize public sector strikes, much to the delight of the unions. The State of Pennsylvania undertook such a course of action in 1971, and in 1972 had the dubious honor of leading the Nation in the number of public sector strikes.

The point being conveniently ignored by the proponents of compulsory public sector collective bargaining is that public sector collective bargaining is the reason for public sector strikes. This fact is inescapable. A union must satisfy its membership. To do this, that union must make demands. This establishes the adversary relationship that unions thrive on. To maintain this adversary relationship and insure the success of their demands, the union must show a willingness to strike, for the strike is their equalizer. The establishment of a willingness to strike necessitates actually going on strike when the situation demands it.

We, as legislators, have a responsibility to our constituents to see that public safety is maintained and that Government services continue uninterrupted. To fulfill this responsibility, we must oppose the injection of compulsory public sector collective bargaining into our society.

SUMMARY

Faced with increasing union demands for compulsory public sector collective bargaining, a major concern has to be the question of public sector strikes.

The undesirability of public sector strikes and the reasons for this are obvious.

We have been unable to prevent them. Experts on labor relations and union leaders have declared them unavoidable. Actual experience has echoed this. Strike bans and penalties have been ineffectual.

The reason for public sector strikes is public sector collective bargaining. The rational course is to oppose compulsory public sector collective bargaining.

Mr. President, I was very much interested in the observations of the distinguished junior Senator from Utah. Here is a man who has had firsthand experience in the managing of a great city. He is a man who knows what he is talking about. He is a man who has experienced firsthand what some of the laws that are passed by Congress can do to a city in America. I am a believer in the right of people to join unions. I am well aware, as every interested American must be that unions have moved the standard of living and the welfare of workers forward in a very marked fashion in this country in the last 100 years.

I think the words of the distinguished junior Senator from Utah and others here today who have talked on this subject ought to be listened to by every Member of this body. They ought to be read by every Member of the other body, and before we pass legislation that guarantees public employees the right to strike, we had better see what we are doing. I hope that this Congress will act responsibly in this area and not take a step that, some say, would be a step forward, but, in fact, would be a very sad, step backward for America.

This is a great country. The rights of individuals are protected here as they are nowhere else on Earth.

I yield the floor.

Mr. McCLURE. Mr. President.

The PRESIDING OFFICER (Mr. FORD). Under the previous order, the Senator from Idaho (Mr. McCLURE) is recognized for not to exceed 15 minutes.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order of appearance between Mr. BUCKLEY and myself be reversed and that he be recognized at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. BUCKLEY. I thank the distinguished Senator from Idaho.

Mr. President, I wish to address, in my remarks, one aspect of this discussion, namely, whether or not the Federal Government has any authority or any right to intervene in what is basically the business of the States and their political subdivisions.

Mr. President, I find it disturbing to read predictions in the newspapers that this Congress will soon enact what is described as "a new Federal law granting collective bargaining rights" to the more than 11 million employees of the Nation's States, counties, cities and towns.

During the current session numerous bills have been introduced here for the purpose of mandating collective bargaining at all levels of government. Such legislation was submitted to the 93d Congress and to several of its predecessors.

But somehow, we are seeing steam generated behind them.

I recognize that this legislation has been the subject of public hearings conducted by committees and subcommittees of the Senate and House of Representatives.

It would be a grave mistake, in my view, for the Federal Government to attempt to dictate to the States and their political subdivisions with respect to their own employees.

If a given State bargains, or refuses to bargain, with its own civil servants, that is the State's business and not the business of the Federal Government.

If a given State grants monopoly bargaining privileges to labor unions comprised of its own employees, or withholds such privileges, that is the State's business and not the business of the Federal Government.

If a given State either prohibits or sanctions the mandatory unionization of State workers who do not want to be represented by labor unions, that also is the State's business and not the business of the Federal Government.

If a given State decides to permit employees of the State and its political subdivisions to engage in strikes, that, too, is the State's business and not the business of the Federal Government.

Several proposals now pending in the Congress would compel all of the 50 States and their political subdivisions to recognize and bargain with unions purporting to represent their employees. These proposals would also extend monopoly bargaining privileges to recognized unions. They would legalize the practice of requiring workers on public payrolls to pay dues or fees to labor unions as a condition of employment. And the measures to which I refer would put the Federal Government's stamp-of-approval on strikes by State, county, and municipal employees—including public schoolteachers.

The very fact that serious consideration is likely to be accorded—in fact, is being accorded—these proposals illustrates how far we have strayed from the principles which guided the Nation's Founding Fathers.

The men who established our form of government sought to diffuse sovereign power. George Washington said:

Government is like fire, a dangerous servant and a fearful master.

Students of our country's history well remember that ratification by the States of our Constitution was assured only by adoption of the first 10 amendments to that document. Throughout our national life those amendments have been popularly known as the "Bill of Rights" and have been deemed to be that body within the Constitution that protects the citizens and protects the States from the kind of domination out of a centralized government that ultimately represents a threat to all our liberties.

The 10th amendment explicitly declares:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nowhere, Mr. President, do I find in the Constitution anything that remotely suggests that the Federal Government would have the authority to dictate the way in which the individual sovereign States would conduct their own relationships with their own employees.

Mr. President, the imposition by the Congress of a collective bargaining straitjacket on the States and local jurisdictions would be an indefensible violation of the authority reserved to the States by the 10th amendment to the U.S. Constitution.

It would extend still further the already dangerous concentration of power in the Federal Government and would continue the transformation of our once-sovereign States into the status of mere administrative units for the administration of Federal policy. This is precisely the result that the Constitution was designed to prevent, a concentration, namely, of power that would ultimately threaten the freedoms of our people. Such a law would supersede and override constitutional provisions and statutes adopted by a majority of the States in the Union. Within recent years many States have enacted comprehensive collective bargaining laws for the benefit of public sector employees.

A distinct advantage of our form of government is that it encourages the use of the States as laboratories in which varied ideas and theories can be tested without committing the entire Nation to a certain policy or course of action. The collective bargaining process is now being tested in the public sectors of many of our States, and even if it had the constitutional authority to impose its will, Congress ought not to try to interfere. It would, in fact, be well advised to permit that testing to continue.

To date no less than 34 States have chosen to outlaw compulsory unionism in their public sectors. By what authority will we, as Federal legislators, tell the States they may not prohibit the forced unionization of public employees over whom they exercise jurisdiction?

In 1959 the Congress created the Advisory Commission on Intergovernmental Relations to monitor the operation of the American federal system and also formulate recommendations pertinent to the system's improvement. The Commission periodically chooses specific intergovernmental issues for study and invites review and comment by spokesmen for all affected levels of government, representatives of interested groups, and technical experts. Members of the Commission then debate the selected issue and formulate its policy position on the issue.

In 1970 the Commission published its findings and recommendations after

conducting a 1-year study of employer-employee relations in the public sector. In unmistakable language, the Commission's report expressed vigorous opposition to:

Any Federal effort to mandate a collective bargaining, meet and confer, or any other labor-relations system for the employees of State and local jurisdictions or for any sector thereof. Little would be left of the Federal principle of divided powers were such legislation enacted. No interpretation of the commerce power, of the State as proprietor, or of the "general welfare" clause can, in our opinion, serve as a legitimate constitutional basis for this kind of drastic infringement upon the basic authority of the States and localities as governments in a federal system.

Mr. President, it is germane to observe that agencies of the Federal Government are not yet obligated by law to engage in bargaining with their employees. Under the prevailing circumstances, imposition by the Congress of such an obligation on the States and their political subdivisions would be anomalous—not to say gratuitous.

The failure or refusal of the Congress to apply a labor relations law to its own agencies and departments and their employees was not overlooked by the Advisory Commission on Intergovernmental Relations. Its report concluded:

In the absence of overwhelming evidence of the unwillingness or inability of State and local governments to act, the Federal Government should refrain from preemptive action. Such evidence clearly is lacking at present. States and localities have developed and are developing their own response to the challenge of employee militancy, especially teacher militancy. Given the nature of this challenge, experimentation and flexibility are needed, not a standardized, Federal, preemptive approach . . .

The Federal Government clearly has an interest in the development of stable and equitable labor-management relations at the other levels. This interest can be best served, however, by avoiding actions that would exacerbate these relations and by focusing on ways and means of directly encouraging the establishment of strong, innovative personnel systems.

The Commission, whose members represent the public and the executive and legislative branches of Federal, State and local governments, is a respected and permanent bipartisan body. Among its members who fashioned the 1970 report on employer-employee relations in the public sector were Senator MUSKIE of Maine, former Senator Ervin of North Carolina, the late Senator Karl E. Mundt of South Dakota, Congressman ULLMAN of Oregon, Congressman FOUNTAIN of North Carolina, and the former Congresswoman from New Jersey, Mrs. Florence P. Dwyer.

Mr. President, I appeal to my colleagues to heed the Commission's recommendation. We are bound by our oaths to reject all legislation designed to compel the States and localities to bargain with labor unions purporting to represent their employees.

I might add, Mr. President, that only 2 weeks ago, at the National Governors' Conference, the Committee on Executive Management and Fiscal Affairs adopted the following resolution, which I shall read in its entirety. It is headed "Public Employee Relations," and reads as follows:

The United States Congress is considering legislation which would provide to State and local government employees the right to organize and collectively bargain. This legislation would substantially replace individual state laws and porcedures which now regulate these activities with a uniform federal law.

The National Governors' Conference opposes federal intervention in this area. It is the belief of the Nation's Governors that matters relating to the employees of State and local governments are within the sole jurisdiction of these units and are not properly the subject of federal legislation.

The National Governors' Conference, in adopting this statement, takes no position on the principle of collective bargaining for public employees but states its firm commitment to the view that this is an area which should be left to the discretion of the several States.

Mr. President, I know it has become unfashionable in this body to suggest that there are any constitutional limitations remaining to Federal action. The courts have cooperated in a gradual expansion of the commerce clause, so that it bears no conceivable relationship to what our founders intended, and the same thing has been said about the general welfare clause. And although each one of us is sworn to defend the Constitution, I believe we ought to remind ourselves once in a while as to what is in the Constitution.

The PRESIDING OFFICER. The time of the Senator from New York has expired. Under the previous order, the Senator from Idaho (Mr. MCCLURE) is recognized.

Mr. MCCLURE. Mr. President, let me begin by expressing my commendation to those who have already spoken, particularly to the freshman Senator from Utah (Mr. GARN), the former mayor of the great city of Salt Lake City, and to the Senator from South Carolina (Mr. THURMOND) for his comments, and also to commend the additional comments by the Senators from Arizona, Wyoming, and New York, who have just concluded.

Mr. President, the nature of our discussion here today brings to mind an enduring observation by the 17th century philosopher, Baruch Spinoza, on the role of government in a free society:

. . . The object of government is not to change men from rational beings into beasts or puppets, but to enable them to develop their minds and bodies in security, and to employ their reason unshackled . . . in fact, the true aim of government is liberty.

This philosophy quickly found its way into our own national law and discourse.

It is not a long step from Spinoza's ideal government to the Declaration of Independence, in which the Founding Fathers wrote:

. . . That all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

Our society, our Constitution, and supposedly every law and statute enacted by Congress in the past 200 years is built on this concept of government and the governed.

Yet, I am afraid, we have wandered far astray in the field of labor relations law; and, if we are careless in our actions to come, we might not only jeopardize the freedoms we are supposed to protect, we might even jeopardize the Government itself.

As we have already noted, union professionals are trying to build a case for Federal legislation affecting labor relations in the public sector—in the Federal Government, as well as every State, county and borough across the country.

They will undoubtedly attempt to sell these proposals to us in the name of liberty and worker rights.

They will discuss the right to join a union—and it must be noted here that that is a right already protected by the U.S. Constitution—and various other claimed rights, such as the "right" of Government employees to strike against their Government.

But they will ignore other rights, rights which may not seem too important to them, but which in one way or another affect all of us. While it is true that each person has a different focus and perspective on his own and the Nation's needs, there are some insights common to all. Everyone will agree that the protection of his freedom is basic to all other propositions. Most people see that the best way to protect their own freedom is to insist on the protection of freedom for others.

For many, the most precious freedom of those guaranteed by the Constitution is that of religion. They insist that without it any adherence to freedom in other forms is folly. Representatives of several religious groups have come to me explaining that compulsory unionism would force them to violate their religious convictions. Because of this I offered an amendment to the 1970 Postal Reorganization Act providing that:

No individual who is a member of a religious sect or division thereof, the established and traditional tenets or teachings of which oppose a requirement that a member of such sect or division join or financially support any labor organization as a condition of employment, if such individual pays to the Treasurer of the United States a sum equal to the initiation fees and periodic dues uniformly required as a condition of acquiring and retaining membership in a labor organization which is representative of the employee unless said individual and said labor organization mutually agree upon some other condition of employment.

This amendment was accepted by the House Committee on Post Office and Civil Service. Although the section to which it was amended was ultimately removed from the bill for very different reasons, Congress made it clear that it did not intend to undermine religious beliefs. It seems to me that those people who profess to believe in the separation of church and state ought to be in the forefront of this fight to prevent an incursion by the state into what is for some a religious matter. This will give those people a chance to show that what they really believe in is a separation of church and state—not a separation of church and people.

It is important to stress here again that government, by definition, is unique. It is a uniquely privileged and powerful monopoly, whose very existence is derived from the consent of the governed.

As the distinguished scholar Russell Kirk wrote last year in Education magazine:

By its nature, government is a monopoly. In any community nowadays, ordinarily, there exists but one police force, one fire department, one department of sanitation, one post office system . . . one apparatus for the collection of revenue and the disbursing of public funds.

If the people employed in such a monopoly are subject to the will of officers in a union, in some emergency the authority of government might be defied successfully by the men who dominate the union.

Then he warned, even the most essential public services, including the ordinary enforcement of law and keeping of the peace—

Would depend upon the mood and the ambitions of the people controlling the union. The real government might be the union itself.

Harsh words, but not unrealistic if we fall into the trap of granting to public sector union officials monopoly control of the public sector workforce through the concession of monopoly representation privileges and compulsory union shop taxing powers, coupled with the right to strike in those unions.

If we grant them monopoly status, we have, as Dr. Kirk has eloquently pointed out, in effect, created a system of dual governments—one legitimate, appointed by the authority of the people, and the other a de facto government, accountable to no one except possibly the political system it feeds on.

The citizen taxpayer, subject to abuse by both governments, could exercise some control over the one, but would be virtually powerless to control the monopoly of the other.

As union officials gain a bigger and mightier foothold, and are able to exercise more control over the selected government, we could be faced with the actual day-to-day operation of vital government services at the whimsy of a union bureaucracy.

Government is unique. Its function is to serve the cause of liberty. We cannot have liberty and compulsory monopoly unions in control of the public service workforce, coupled with the right to strike. The measure of any proposition must be its impact upon a free people. It would be ironic if we were to move into the bicentennial period by inaugurating a program so alien to all that our Founding Fathers fought for.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on the time of the Senator from North Carolina.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Chair will recognize the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I ask unanimous consent that I will be allowed to yield 2 minutes of my time to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. I thank my distinguished friend.

The PRESIDING OFFICER. The Chair might inform the Senator from North Carolina that the quorum call was taken from his time of 15 minutes.

Mr. HELMS. Very well.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. CURTIS. Mr. President, I wish to join with the distinguished Senator from Utah and others in calling attention to the Senate the problems involved in these efforts for unionization of Government employees at all levels of Government.

Within the last day or two, there was an account that appeared in the Washington Star concerning what has happened in the State of Illinois.

I believe in the right of people to join the union, I do not think that should be interfered with. I do not believe in the principle of compulsory unionism either by coercion or by a matter of law.

I also wish to point out that there are certain essential services of Government which by their very nature call for restraint.

So, whatever might be our attitude toward strikes involving nongovernmental activities, I am of the opinion that it is not according to sound public policy that these Government unions should be allowed to strike.

We will be faced with this problem in reference to the postal service before long and I think it is important that we look at all of the problems involved and not permit this to further deteriorate a very poorly administered and run postal service.

In saying that, I want to set the record straight, I am sure that there are just countless honest and dedicated postal workers. Yet there is something wrong somewhere. Our Postal Service continues to deteriorate.

I want to again commend the distinguished Senator from Utah for taking the lead in promoting thought on this important subject.

I thank my distinguished friend from North Carolina.

I yield back the remainder of my time.

NORTH CAROLINA'S SOLUTION

Mr. HELMS. Mr. President, we have just heard it from our colleagues—about the threat to the basic political institutions of the country posed by the compulsory public-sector bargaining proposals being offered for our consideration.

We have discussed here today, in particular what compulsory public sector bargaining on all levels of Government by Federal legislators would mean.

These proposals would compel through Federal action individual public employees to accept an unwanted union as their "exclusive representative" in dealing with their own government, and most likely—as a consequence of compulsory monopoly representation—would cause workers to pay tribute to union officials in order to keep their jobs.

Antistrike provisions and the myriad other technical details union officials propose really only obscure these basic problems—each of which threatens both individual and government sovereignty.

Mr. President, there are very few among us, I think who would argue with these other points made here today:

That strikes against the government cannot be tolerated by a free society.

That government must—by definition—be responsive to and fully accountable to the people at all times.

That the only true function of government is the preservation of liberty.

And that pubic sector employees are indeed different from their counterparts in industry, both in terms of the rights and privileges they enjoy and the nature of their noncompetitive employment.

I believe that there is a viable solution without passing Federal laws. We can preserve government sovereignty and individual freedom in the public sector without being unrealistic, and certainly without being "unfair" to public employees.

In fact, in my State of North Carolina we have devised and implemented a viable solution at the State level. All public-sector collective bargaining is prohibited in the State of North Carolina.

We recognize that all public employees—and all Americans—are protected in their right to join lawful employee associations by the first amendment.

We have rejected, however, the notion that governments should be duty bound to recognize and bargain with these associations. Experience has taught us that the one thing which gives growth and strength and pressuring power to a union is to recognize that union, treat with it and enter into exclusive agreements with it. Each such agreement is a prelude to successive negotiations, accommodations, and agreements until the union grows to become uncontrolled and uncontrollable.

Now, Mr. President, the North Carolina General Statutes, section 95-98 reads as follows:

Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared illegal, unlawful, void and of no effect.

Mr. President, this North Carolina statute is a good law. It has successfully restrained the growth of public sector

union power in North Carolina. Yet it has not led to continuous struggles with public employee disputes and conflict. And the statute has withstood challenges in the courts.

In a September 1974 decision the U.S. District Court for the middle district of North Carolina held constitutional this North Carolina law which declares invalid any contracts between a sovereign government and a union in that State.

The court said, that—

To the extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.

Simply put, the court made a very affirmative statement of the rights of all citizens and groups of citizens to have equal access to their own Government.

While the North Carolina law puts a statutory prohibition on recognition and contract-making, it does not preclude representatives of employee associations from petitioning their government over conditions in the workplace. What it does preclude is government granting monopoly status to a particular union, trading away its own sovereignty, and depriving individual workers of their precious liberty to deal with their own government.

A strict nonrecognition policy, such as exists in North Carolina, would prevent any compromise of necessary government sovereignty.

Second, as the court found last September, it would keep the channels of redress open to all employees—not just to a monopoly bargaining organization.

Third, it would allow government administrators to create and conduct responsible, humane, and effective public employee personnel policies—a responsibility which, when subject to adversary collective bargaining, is less imaginative, and less progressive.

The attention of government administrators would thereby be focused—as it should be—on dealing effectively with the employees and their interests, rather than dealing with the union and its interests.

Among the most important considerations, however, is the fact that nonrecognition would prevent the abuses of human liberty which has been created by the National Labor Relations Act's "exclusive recognition" and compulsory unionism policies.

The North Carolina experience seems to be a good place to start. It shows that the States can handle the problem on their own without Federal intervention. I commend this law to my colleagues as the way to go in the States which they represent.

Mr. President, the decision of the U.S. district court on the North Carolina law, provides further insights into its working and value, and I ask unanimous consent that the decision be printed in the RECORD.

There being no objection, the decision was ordered to be printed in the RECORD, as follows:

[No. C-286-WS-72]

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WINSTON-SALEM DIVISION

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, an unincorported association, and Jacqueline A. Ballentine, individually and on behalf of other similarly situated teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, *v.* A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

Before Craven, Circuit Judge, Gordon, Chief Judge, and Ward, District Judge.

Argued July 12, 1974, decided September 17, 1974.

William G. Pfefferkorn of Winston-Salem, North Carolina, for the plaintiff.

Edwin M. Speas, Jr., Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina, for defendants A. Craig Phillips, Frank Crane, and Robert B. Morgan; William F. Womble, Jr., of Womble, Carlyle, Sandridge & Rice, Winston-Salem, North Carolina, for Winston-Salem/Forsyth County School Board; and P. Eugene Price, Jr., County Attorney, Winston-Salem, North Carolina, for Forsyth County Board of Commissioners, and the County of Forsyth.

OPINION OF THE COURT

Ward, District Judge:

This case presents a renewed attack on North Carolina General Statute 95-98 which provides that contracts between state governmental units and public employee labor organizations shall be void.[1] Previously, in *Atkins v. City of Charlotte*, 296 F. Supp. 1068 (W.D.N.C. 1969), a three-judge court upheld the constitutionality of that statute while declaring related sections to be unconstitutional.[2]

In the instant case, plaintiffs request injunctive and declaratory relief against the statute on the grounds that it operates to violate their rights of freedom of association guaranteed by the First Amendment of the United States Constitution and of equal protection and due process guaranteed by the Fourteenth Amendment. Jurisdiction is premised upon 28 U.S.C. §§ 2201 and 1343 and 42 U.S.C. § 1983. A three-judge court has been properly convened pursuant to 28 U.S.C. §§ 2281 and 2284.

Plaintiff Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators is an unincorporated labor association representing professional employees, including teachers and administrators. The individual plaintiff is a teacher in Forsyth County and a member of the association. She wishes to represent all teachers in the Winston-Salem/Forsyth County School System. The defendants are State officials, the Winston-Salem/Forsyth County School Board, the Forsyth County Board of Commissioners, and the County of Forsyth.

The discontinuation of a salary supplement plan in 1972 supplied the irritant which caused plaintiffs to bring this action. In 1967, the school officials proposed the plan whereby the teachers in the Winston-Salem/Forsyth County school district would receive a portion of a school tax as part of their salary supplement. Since the supplement was tied to a county tax, it would increase along with the tax base of the county. The school board approved the plan. In 1972, the County Commissioners terminated the plan when they adopted the final budget for the county. Plaintiffs admit that no one source can be blamed for the discontinuation of the plan. They say that the determination of local school salaries results from input by the State Board of Education and the local units composed of the school board and county commissioners. Plaintiffs suggest that one of the reasons for the termination of the salary supplement was the discovery of the statute, N.C.G.S. 95-98, by the governmental officials between 1967 and 1969. Plaintiffs claim that upon this discovery, the school officials became increasingly intransigent in their discussions with the teachers' association. They would like to blame a drop in their membership to their claimed growing ineffectiveness in discussions with the school officials after the purported discovery of N.C.G.S. 95-98.

In this case, there never was a signed contract between the teachers' organization and the school board. Defendants suggest that plaintiffs lack standing because there is no contract which is rendered void by N.C.G.S. 95-98. We agree that the plantiffs never had a contract or agreement with the school. However, we read that fact as the basis of their complaint. They say that the school refuses to enter into a contract with them, or even engage in meaningful discussion, because of the statute. Viewed in this light, the question before this court is not moot and plaintiffs have standing to litigate the issue.

Plaintiffs allege that the statute is unconstitutional because of the detrimental effect it has on their ability to associate in a labor organization. They contend the statute renders nugatory their right to associate since it voids any contract obtained by the association. Thus, they say, it becomes fruitless for the organization to discuss matters with the school, and the individual teachers in turn become disenchanted with their organization.

Accepting those consequences as true, we cannot accept the premise that plaintiffs' alleged right of association requires that state governmental units negotiate and en-

[1] N.C.G.S. 95-98 reads as follows:

"*Contracts between units of government and labor unions, trade unions or labor organizations concerning public employees declared to be illegal.*—Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect."

[2] The statutes declared unconstitutional in *Atkins, supra,* were N.C.G.S. 95-97, which prohibited fire fighting employees of a governmental unit from becoming members of or from assisting a labor organization which was affiliated with a national or internationl labor organization that had collective bargaining as one of its purposes, and N.C.G.S. 95-99, which provided a criminal penalty for violation of the related sections of the chapter.

ter into contracts with them. The Constitution does not mandate that anyone, either the government or private parties, be compelled to talk to or contract with an organization. What Judge Craven wrote in *Atkins, supra,* at 1077, is controlling and bears repeating:

"We find nothing unconstitutional in G.S. § 95-98. It simply voids contracts between units of government within North Carolina and labor unions and expresses the public policy of North Carolina to be against such collective barganing contracts. There is nothing in the United States Constitution which entitles one to have a contract with another who does not want it. It is but a step further to hold that the state may lawfully forbid such contracts with its instrumentalities. The solution, if there be one, from the viewpoint of the firemen, is that labor unions may someday persuade state government of the asserted value of collective bargaining agreements, but this is a political matter and does not yield to judicial solution. The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal Constitution. The State is within the powers reserved to it to refuse to enter into such agreements and so to declare by statute."

The other cases considering the problem raised here have likewise rejected plaintiffs' argument. *Newport News F.F.A. Loc. 794* v. *City of Newport News, Va.,* 339 F. Supp. 13 (E.D. Va. 1972); *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp.,* 457 F.2d 456 (7th Cir. 1972). While the First Amendment may protect the right of plaintiffs to associate and advocate, not all of their associational activities have the protection of that amendment. The State is not required to provide plaintiffs with a special forum in order to advocate their views. It is under no duty to provide a "guarantee that a speech will persuade or that advocacy will be effective." *Hanover Tp. Fed. of Teach. L. 1954* v. *Hanover Com. Sch. Corp., supra,* at 461.

Plaintiffs' reliance on *Healy v. James,* 408 U.E. 169, 92 S.Ct. 2338, 33 L.Ed.2d 266 (1972), in support of the request for reconsideration of *Atkins* is misplaced. *Healy* concerned a college's denial of recognition to a student group. The Court held that the nonrecognition abridged the student group's First Amendment rights. The college had denied the group a formal meeting place, and the use of college bulletin boards and the college newspaper. Significantly, it had granted those rights to other student groups. The court noted that "the group's possible ability to exist outside the campus community does not ameliorate significantly the disabilities imposed by the President's action." (408 U.S. at 183, 33 LdEd.2d at 280). Thus the restriction in *Healy, supra,* directly affected the student group's right of advocacy and ability to organize in a situation where the college had granted those rights to other groups. In the present case the statute we are concerned with does not differentiate between public employee labor associations, nor does it restrict in any material way the ability to organize.

In *Healy, supra,* the college's action materially and discriminatorily affected the student group's right to speak and advocate. Here the statute has no such effect. All that it does is to render void contracts between the labor association and the State. As stated previously, the First Amendment does not guarantee that an organization's advocacy will be effective; it only protects the right to speak.[3]

The State, as a matter of public policy, has chosen not to enter into enforceable contracts with public employee organizations. That policy decision cannot be regarded lightly, or as merely the result of anti-union animus. The decision of whether to permit public employees to engage in collective bargaining with the government involves far greater interests than the mere right to association claimed by the plaintiffs here. Professor Sylvester Petro in "Sovereignty and Compulsory Public-Professor Bargaining," 10 *Wake Forest Law Review* 25 (1974), ably and thoroughly discusses the case against the recognition of public employee labor organizations and bargaining with them. Even in an article more sympathetic to plaintiffs' position, Professor Summers discusses serious problems which cannot be avoided if collective bargaining problems which cannot be avoided if collective bargaining is permitted. *See* Summers, "Public Employee Bargaining: A Political Perspective," 83 *Yale Law Journal* 1156 (1974). There the author views collective bargaining by public employees as part of the political decision-making process. As such it cannot be fairly compared with collective bargaining in the private sector. While he sees collective bargaining in the public sector as giving the public employees a chance to give unity, clarity, and persuasion in discussing their views with a governmental body, he also notes that, at present, permitting public employee collective bargaining might well over-shift the balance of power because of the inability, in some instances, of present governmental structure to effectively deal with a collective bargaining situation. Moreover, to the extent that the public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decisions are rights inuring to each citizen. All citizens have the right to associate in groups in order to advocate their special interests to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process. As Professor Summers notes at 1193-94:

"In the private sector the parties may agree at the bargaining table to expand the subjects of bargaining, but a public employee union and a public official do not have the same freedom to agree that certain decisions should be removed from the ordinary political processes and be decided by them in a special forum. The private employer's prerogatives are his to share as he seet fit, but the citizen's right to participate in governmental decisions cannot be bargained away by any public official.

"In legal terms the principal question in the private sector is what the *mandatory* subjects of bargaining are, *i.e.,* what decisions the employer *must* share with his employees. The principal question in the public sector is what the *permissible* subjects of bargaining are, *i.e.,* what decisions *may* be made through the specially structured political process."

Viewed in this context, plaintiffs' purported right to associate via collective bargaining must compete with equally, if not more, important rights belonging to the citizenry.

The actual decision of how to accommodate public employees in the decision-making process without denying the right of association to others is a legislative decision.[4] Both legally and logically that decision is the prerogative of the legislature, which is much better suited to make it than are the federal courts, whose many duties cannot, under our system of government, include those of legislation. In North Carolina, the legislature has decided to resolve the competing interests by voiding contracts between the state and public employee labor organizations.

Plaintiffs also urge that N.C.G.S. 95-98 violates equal protection and due process. We disagree. While an unwarranted or unjustified interference with a First Amendment right may also be a violation of a Fourteenth Amendment right, *McLaughlin v. Tilendis,* 398 F.2d 287 (7th Cir. 1968); *Shelton v. Tucker,* 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960), we have concluded that the statute in question does not violate plaintiffs' right of freedom of association under the First Amendment. From our previous discussion it follows, and we so hold, that plaintiffs' Fourteenth Amendment rights are not violated.

Plaintiff's request for injunctive and declaratory relief is, therefore, denied.

[No. C-286-WS-72]

IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, WINSTON-SALEM DIVISION

Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators, An Unincorporated Association, and Jacqueline A. Ballentine, Individually and on Behalf of Other Similarly Situated Teachers in the Winston-Salem/Forsyth County School System, Plaintiffs, v. A. Craig Phillips, State Superintendent of Public Instruction; Frank Crane, Commissioner of Labor for the State of North Carolina; Robert B. Morgan, Attorney General of the State of North Carolina; and John C. Kiger, Omeda Brewer, Eunice Burge, Richard Janeway, Mary Lauerman, William F. Maready, Alan R. Perry, Carol G. Thompson, As Members of the Winston-Salem/Forsyth County School Board, and the Winston-Salem/Forsyth County School Board, and

[3] In *Aurora Ed. Ass'n E. v. Board of Ed., Etc., Kane County, Ill.,* 490 F.2d 431 (7th Cir. 1973), the court distinguished *Hanover Tp. Fed. of Teach L. 1954 v. Hanover Com. Sch. Corp., supra,* from the issue before it concerning whether a school could penalize a teacher who merely *believed* that teachers should ge given the right to strike. It said at 434:

"Whatever else may be said about the case, it dealt with the question whether a public body is under a constitutional duty, apart from statute, to bargain collectively with the labor representative of its employees. There was no occasion to consider in that case, and the court did not consider, the problem of this case, that is, whether a public body may interfere with its employees' freedoms to think and to speak—which from the beginning of time have been recognized as wholly different from the freedom to associate and to seek to use the strength which comes from union in assembly and action. See Wyzanski, "The Open Window and the Open Door," 35 Cal.L.Rev. 336 (1947)."

[4] The Tenth Amendment of the United States Constitution reserves to the states those powers not delegated to the federal government. The Amendment is a clear expression of the desire that the states would retain their sovereignty within our federal form of government. The decision by the State of North Carolina to void contracts between public employee organizations and governmental units is a matter entrusted to the state's sovereign discretion. See *Atkins, supra,* as quoted above. It cannot be emphasized enough that in speaking of a state's sovereignty, the term means more than prerogatives belonging to some inanimate object, rather it signifies the right of the people of a state to govern themselves under the form of government of their choosing. Therefore, since the prospect of public employee collective bargaining impinges upon those rights, it truly is important that the legislature, elected by the people, determine whether to permit such collective bargaining, and if so; on what terms.

David W. Darr, Henry L. Crotts, G. P. Swisher, Dr. W. L. Thompson, Jr., and Leonard Warner as Members of the Forsyth County Board of Commissioners, and the County of Forsyth, Defendants

ORDER

For the reasons set forth in an Opinion of the Court entered contemporaneously herewith,

It is ordered that the relief requested by the plaintiffs in the prayer for relief be and the same hereby is denied, and the action is dismissed.

For the Court:

HIRAM H. WARD,
U.S. District Judge.

SEPTEMBER 17, 1974.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania (Mr. SCHWEIKER) is recognized for not to exceed 15 minutes.

SENATE RESOLUTION 100—SUBMISSION OF A RESOLUTION RELATING TO DISCRIMINATION IN INTERNATIONAL COMMERCE

(Referred to the Committee on Commerce.)

Mr. SCHWEIKER. Mr. President, on behalf of myself and Senator WILLIAMS, and Senators ALLEN, BAYH, BEALL, BENTSEN, CASE, CLARK, CRANSTON, DOMENICI, FONG, GARN, PHILIP A. HART, HARTKE, HUMPHREY, LEAHY, MATHIAS, MCGEE, MCGOVERN, MONDALE, MOSS, MUSKIE, NELSON, PACKWOOD, PROXMIRE, RIBICOFF, ROTH, HUGH SCOTT, STAFFORD, STONE, TUNNEY, and WEICKER, I submit today a sense of the Senate resolution condemning blacklisting in international trade.

In recent weeks, it has become clear that Arab investors are using their vast economic leverage to dictate the ethnic composition of international business institutions. Two of Britain's most prestigious investment banking houses, N M Rothschild & Sons and
Co., were excluded fr
bond issue at the requ
Arab Foreign Bank an
eign Trading, Contrac
ment Co. Lazard Frer
banking institution ass
ard of Manhattan, wa
$25 million bond issue
a company funded by E
Lebanon. And apparel
U.S. companies have
the Arab boycott list,
have even tried to ne
off.

The standard apolo
ing are that companie
cannot be denied the
who they will do bu
anyway, the Arabs h
boycott list for years.
ourselves, Mr. Preside
not simply a business
more. It is now an
weapon, deployed to
composition of inter
firms.

And while the Arabs
taining boycott lists fo
countries were never a
ket—until the oil mon
denly the Arab countr
as the only flourishing
economy, and the Arab boycott lists are now backed up with massive economic leverage. So it is an entirely new situation, Mr. President, and I do not think we can afford to silently acquiesce to these discriminatory tactics.

I was gratified by President Ford's strong reaction to this situation last week, and I commend him for it. But I think we in the Senate also have a responsibility to face this issue, and to put the world on notice that the full force of this Government's influence will be used to counter discriminatory demands. If we accept these economic strong-arm tactics today, I predict we will face an uglier choice next month or next year—and the stakes wil be higher then.

The Senate can make two responses to blacklisting tactics, Mr. President: We can condemn these tactics unconditionally and urge individuals and institutions to resist them, and we can prepare detailed legislative countermeasures. The resolution we introduce today accomplishes the former objective, and I hope the Senate moves promptly to consider legislation in this area.

Today's resolution does not push us into any precipitous action in the Middle East, and it allows sufficient flexibility so current diplomatic efforts are not impeded.

But it also suggest very clearly certain legislative approaches which might be considered if these tactics continue. First, individual Americans—and American institutions—must be encouraged to say "no" to discriminatory demands. One way to accomplish this is to insure that those who take discriminatory actions to obtain approval from the blacklisters immediately forfeit all U.S. Government assistance from such agencies as the Commerce Department, the Export-Import Bank and the Overseas Private Investment Corporation. This would give practice of commerce as it has flourished in this country";

Whereas the Export Administration Act of 1969 declares "it is the policy of the United States . . . to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States . . . "; and

Whereas acquiescence, by individuals, institutions, or nations, to such discrimination undermines international commerce and the fundamental rights of every American citizen: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Discrimination in international commerce against individuals or institutions on religious, racial, or ethnic grounds must not be tolerated, and all Americans are urged not to cooperate in any way with such discriminatory practices.

(2) Every individual or institution approached to participate in any such discriminatory practice shoud be required to make a full report of such action to the appropriate agency of the United States Government, which should make this information a matter of public record.

(3) Appropriate agencies of the United States Government should discourage such discriminatory practices and review all forms of Government support, subsidy, or assistance to American companies which acquiesce in such discrimination.

(4) The United States Government should examine its relationships with countries which practice such discrimination, and the President should advise the Congress as to any justification for continuing any foreign aid, sales of defense articles or services (whether for cash or by credit, guarantee, or any other means) or other assistance programs for the benefit of any country practicing such discrimination.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States.

Mr. SCHWEIKER. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Florida (Mr. STONE), who is one of the sponsors of my resolution.

FEDERAL TIMES
May 28, 1975

GRAPEVINE

RELUCTANT CREDIT —The National Right to Work Committee, which apparently is responsible for launching a massive letter writing campaign, is being given credit by some union officials for aborting a legislative drive to launch the agency shop in the U.S. Postal Service.

The bill was a major objective of the American Postal Workers Union and several of the other exclusive unions that dominate the postal work force.

Unlike right-to-strike legislation, the measure never left Rep. Charles H. Wilson's postal facilities, mail and labor-management subcommittee.

And the betting is that for the next several years anyway, the agency shop will remain a dead issue.

Right to Work Committee Commended

"OUTSTANDING SERVICE TO THE NATION AND TO THE CAUSE OF PERSONAL FREEDOM"

That's the way Congressman David Henderson (D-N.C.) put it in a letter to the National Right to Work Committee following the successful battle to preserve Right to Work protection for the nation's 750,000 postal workers.

The North Carolinian and Rep. H. R. Gross (R-Iowa) provided the key leadership in the House that resulted in adoption of a Right to Work amendment to the postal reform bill.

The year-and-a-half long struggle was successfully concluded on August 12 when President Richard Nixon signed the postal reform bill with its Right to Work provision. A major stride toward this happy event took place on June 17 when the House of Representatives approved the Right to Work amendment on a non-record 179-95 vote; after the Senate rejected a Right to Work proposal, the House then voted 225-159 on the record to instruct its conferees to keep the ban against compulsory unionism in any compromise bill reported back for final passage.

"There are many people and many organizations who assisted us in this effort," said Henderson, "but I believe that every single one of them would agree with me when I say that without the work done by the National Right to Work Committee, it would have been impossible for us to win such an impressive victory here in the House."

Congressman H. R. Gross said, "Without the unceasing barrage of the National Right to Work Committee, there is little reason to believe that the principle of Right to Work could have been inserted in postal reform legislation.

And Senator Paul Fannin (R-Ariz.), leader in the battle for voluntary unionism for postal workers in the upper chamber, added: "All postal employees owe the Right to Work Committee a debt of gratitude for the Committee's tireless efforts to preserve for them a freedom of choice."

POSTAL REFORM RIGHT TO WORK VICTORY—Rep. David N. Henderson (right) and H. R. Gross (center) go over language of their amendment protecting Right to Work for postal workers with National Committee Executive Vice President Reed Larson. House had just acted favorably by 225-159 margin on the most crucial Right to Work vote taken during entire postal reform battle.

Sen. Paul Fannin (R-Ariz.), right, tells postal unionist Vince Sombrotto that postal reform bill, including pay raises for employees, would have passed 12 months earlier if authorization for compulsory union shop had been removed. National Committee President S. D. "Duke" Cadwallader (center) accompanied Sombrotto on visit to present Sen. Fannin with signatures of over 1,000 New York City postal workers who oppose compulsory unionism.

Special Supplement to August National RIGHT TO WORK *Newsletter* Published by the National Right to Work Committee.
August 26, 1970

From a Column
Syndicated Nationally to Over 125 Daily Newspapers
by King Features Syndicate

INDIANAPOLIS NEWS
July 24, 1970

SAN DIEGO UNION
July 24, 1970

RALPH de TOLEDANO

Right-to-Work David Fells Postal Unionism Goliath

Few expected it, and fewer know how it happened. But a small organization with limited resources — the National Right to Work Committee — was able to stop the combined power of the AFL-CIO, the Nixon administration, and much of the mass media. It was also able to rouse the business community and its representatives out of the apathy and timidity which usually seize them when confronted by labor-left muscle.

The story goes back to July of 1969 when Postmaster General Blount, forgetting his statement to the GOP platform committee in 1968 that "no free individual should ever be forced to join or give financial support to a union," tried to get support for postal reform by delivering the Post Office to George Meany and the AFL-CIO.

At a series of meetings at the time, Mr. Blount tried to con opponents of compulsory unionism into overlooking a clause in the reform bill that opened the door to the big unions. This, Blount held, was the only way to win the blessings of Mr. Meany and the labor lobbyists.

Compulsory unionism in the federal service, let it be noted, had been barred by President Kennedy's executive order, seconded by the Republican party's platform pledge to "protect federal employes in the exercise of their right to . . . join . . . or to refrain from joining" a union. But the Postmaster General considered campaign promises merely scraps of paper.

He had made his deal with President Meany and he proceeded to sell it to the Senate and the House of Representatives.

The Senate, drifting ever leftward, approved a postal reform bill that would permit compulsory unionism in the Post Office and establish a vicious principle which could have compelled every civil service employe to buy his job in the future from organized labor.

The House passed a version of postal reform which eliminated the compulsory unionism clause in the Senate measure.

The real victory came when, by a 225-159 vote, the House voted to instruct its conferees that the right to work would have to be included in the language of the postal reform bill.

But on Capitol Hill, members of House and Senate knew that it had been the Right-to-Work Committee's David who had brought down the AFL-CIO Goliath. For the foreseeable future at least, no federal employe would have to pay tribute to a private organization in order to hold his job.

As Reported by Nation's Press

Highlights of Drive for Postal Workers Right to Work

WARNING—"Reed Larson, Executive Vice President of the National Right to Work Committee charges that the pending legislation would lead to compulsory unionism for postal and federal workers. Testifying before the House Postal Operations subcommittee . . ." *Washington Star,* April 26, 1969.

RECONSIDERATION ASKED — "The National Right to Work Committee, more in sorrow than anger, that the Nixon administration should seem to be in favor of compulsory unionism, has asked Blount to reconsider," Federal reporter Joe Young, *Washington Star,* July 11, 1969.

CALLED THE SHOT — "The National Right to Work Committee has correctly called the shot on the (Blount) proposal. It could lead to postal workers being fired if they did not pay their union dues," From an editorial, *Worcester Gazette,* July 15, 1969.

LED BY COMMITTEE — "The fight against the union shop is being led by the National Right to Work Committee," *Washington Star,* February 2, 1970.

BATTLE JOINED—"The National Right to Work Committee is mounting a major campaign on Capitol Hill to blunt the drive for union shop contracts among the 14 million public employees," Federal reporter Mike Causey, *Washington Post,* March 12, 1970.

LINING UP SUPPORT—"The National Right to Work Committee strongly opposes any union shop in government and is lining up support for an amendment that will be offered . . . ." *Washington Star,* March 16, 1970.

NOT REFORM WE NEED—"The Right to Work Committee is not given to making idle claims or far-fetched charges. Its reputation for accuracy and responsible leadership should be all the warning we need," From an editorial, *Northern Virginia Daily* (Strasburg, Va.), March 26, 1970.

HOW NOW MR. BLOUNT?—"The vigilant National Right to Work Committee charges that Postmaster General Blount has made a deal . . . to slip compulsory unionism over on the postal workers. . . . We agree with the National Right to Work Committee that this would be dirty pool," From an editorial, *New York Daily News,* April 1, 1970.

AFL-CIO WILL FIGHT—"The National Right to Work Committee is cranking up a campaign to block the union shop question from getting into the bargaining table under President Nixon's upcoming postal reorganization plan. Both the AFL-CIO and the two largest postal unions say they will fight the move . . . ." *St. Louis Globe-Democrat* and other Newhouse News Service newspapers, April 8, 1970.

CRUCIAL—"The National Right to Work Committee, which has followed the postal reorganization movement carefully from the beginning, directs special attention to the freedom of choice issue," From an editorial, *Wheeling Intelligencer,* April 14, 1970.

PRICE TOO HIGH? — "The National Right to Work Committee charges that the federal bill would make state right to work laws inapplicable and that Meany intends to extend the implication . . . ." from an editorial, *San Diego Tribune,* April 25, 1970.

THREAT SEEN—"The bill, naturally, has brought the National Right to Work Committee out fighting," From an editorial, *Lubbock Avalanche-Journal,* April 27, 1970.

POSTAL LAW SNAG?—"The National Right to Work Committee has been fighting this proposal tooth and nail," From an editorial, *Cedar Rapids* (Iowa) *Gazette,* April 30, 1970.

JOKER IN POSTAL REFORM — "The National Right to Work Committee, which opposes compulsory unionism, has called attention to the joker," From an editorial, *Lewiston* (Maine) *Sun,* May 1, 1970.

FORMIDABLE—"The postal reorganization plan developed by the seven exclusive postal unions and the Nixon administration has found its strongest critic in the formidable National Right to Work Committee. The Committee has launched a nationwide letter writing campaign and a concerted effort to gain a favorable shake from the editorial pages of the nation's press," *Federal Times,* May 6, 1970.

CAMPAIGN BUILDS — "Fanned by a grass-roots letter writing campaign generated by the National Right to Work Committee, opposition to the union shop pact was reported building up in the House," Jerome Cahill, *New York Daily News,* May 23, 1970.

VIGOROUS OPPOSITION—"Vigorously opposing the bill as it now stands is the National Right to Work Committee, a privately endowed organization dedicated to 'open shops' in the government," Federal reporter Ned Young, *Baltimore News-American,* June 3, 1970.

PREDICTION — "What we are about to see is another chapter in the long struggle over compulsory unionism. The National Right to Work Committee won the last battle in 1966 . . . . The odds seem to favor another victory for the Committee this summer," From an editorial, *Waco* (Texas) *Times-Herald,* June 6, 1970.

Analysis

• The National Right to Work Committee, which threatened to make compulsory union membership an issue in current congressional re-election campaigns, won a ban against negotiations of union shops.

—From an ASSOCIATED PRESS News Feature, August 3, 1970

POSTAL REFORM— "The National Right to Work Committee has been doing a tremendous job in trying to prevent enslaving federal employees which would result if this bill were passed in its present state," From an editorial, *Lincoln Herald* (Lincoln Park, N.J.), June 20, 1970.

RIGHT TO WORK ADOPTED — "The National Right to Work Committee was instrumental in mustering House support for the Henderson amendment," *Wall Street Journal,* June 18, 1970.

TRIUMPH — "The passage of H.R. 17070, the House of Representatives bill on postal reform, marked the triumph of the Right to Work movement . . . ." *Federal Times,* July 1, 1970.

THEY KNEW—"On Capitol Hill, members of the House and Senate knew that it had been the Right to Work Committee's David who had brought down the AFL-CIO and the Administration Goliath," nationally syndicated columnist Ralph deToledano, July 24, 1970.

CREDIT—"Much of the credit for retention of the non-compulsory union feature of the legislation must go to the National Right to Work Committee. It took on other far more powerful lobbies in Washington and won," *Jefferson City* (Mo.) *Post-Tribune,* August 4, 1970.

SUCCESSFUL — "The National Right to Work Committee deserves full credit for its successful efforts to preserve postal workers' Right to Work," *Richmond News Leader,* August 5, 1970.

ACCOLADES—"With accolades being passed around in all directions, it should be noted that the National Right to Work Committee deserves considerable credit for its efforts in preventing compulsory unionism as part of the reform," *Danville* (Va.) *Bee,* August 5, 1970.

Members of Congress on Right to Work

Many members of Congress—Republican and Democrat alike—spoke out clearly in favor of maintaining Right to Work protection for the nation's 750,000 postal workers during debate over the postal reform bill. Shown here are extracts from that debate and other public statements by some of those Senators and Representatives. (Space limitations do not permit a complete listing.)

Rep. Chester Mize (R-Kans.)—*"If we do not adopt the Henderson amendment, we might as well forget postal reform."*

Rep. Delbert Latta (R-Ohio)—*"I will be forced to vote against the bill unless this compulsory union provision is stricken."*

Rep. William J. Scherle (R-Iowa)—*"Let me make it abundantly clear that I cannot support any piece of legislation that could lead to compulsory unionism in the postal service."*

Sen. Cliff Hansen (R-Wyo.)—*"I submit that compulsory unionism for Federal employees is not good for Uncle Sam; nor is it good for any State, county, or city."*

Sen. James Pearson (R-Kans.)—*"To change this time-honored procedure of allowing Government workers voluntarily to join a union, or to refrain from joining a union, is not in the best interests of the country as a whole, the Government service, and, specifically, the best interests of the postal workers themselves."*

Rep. Graham Purcell (D-Tex.)—*"For us to be in a position of sanctioning compulsory action to force these workers into a union would be highly inconsistent for a Government dedicated to protect the freedom of its people."*

Sen. Howard Baker (R-Tenn.)—*"The idea that we must protect the right of Federal employees to join or refrain from joining a union is embedded in the fabric of the House version. It is one of the aspects of it that commends it most highly to me."*

Sen. John S. Cooper (R-Ky.)—*"I may be too old fashioned, but I believe the loyalty of the employees of the Government must first be to their Government. . . . No citizen should be required to be a member of any organization to become an employee of their own Government."*

Sen. Ernest Hollings (D-S.C.)—*"I have swallowed all I can take in the name of reform. I cannot destroy the fundamental of public service and set in motion a concentration of power beyond the purview of the public."*

Sen. John Tower (R-Tex.)—*"In the final analysis, the right of management and unions to contract should not override the natural right of a person to make a free and uncoerced choice with respect to the earning of a livelihood for himself and his family."*

Sen. Sam J. Ervin, Jr. (D-N.C.)—*"Mr. President, when I have to make a choice between tyranny—whether it is tyranny on the part of the Government, tyranny on the part of the unions, tyranny on the part of big business, or tyranny on the part of powerful political organizations—and freedom, I take my stand with freedom."*

Sen. Roman Hruska (R-Nebr.)—*"It would be a grave mistake in my opinion if in the process of turning over control of this vast system, we also were responsible for bartering away the principle of freedom for Federal workers."*

Sen. Wallace Bennett (R-Utah)—*"The right to join a union is an important right, and should not be abridged. But neither should the right to refrain from joining a union be abridged."*

Rep. Bill Brock (R-Tenn.)—*"I am unalterably opposed to any provision calling for compulsory unionism and feel that each federal employee deserves the right to make his own voluntary decision in this regard."*

Rep. Laurence J. Burton (R-Utah)—*"I am strongly opposed to compulsory unionism, for postal workers or anyone else."*

Sen. Edward Gurney (R-Fla.)—*"I don't of course object to postal unions and I think a man should be free to join one if he wishes. At the same time, I think it would be highly improper to force a man to join a union."*

Rep. William Scott (R-Va.)—*"I feel that in a democracy, such as we have, no employee should be compelled to join any organization against his will in order to retain his Government employment."*

Rep. Thomas Kleppe (R-N.D.)—*"As a matter of principle, I cannot accept the view that compulsory unionization is part of the price a Nation must pay to achieve the broad objective of improved and more efficient service."*

Rep. John Ashbrook (R-Ohio)—*"My chief objection to the postal reform bill is the provision which paves the way to compulsory unionism by authorizing the negotiation of a union shop contract."*

Rep. Ben B. Blackburn (R-Ga.)—*"Should any man or woman be forced to pay dues to any private organization as a prerequisite to working for his or her Government? I say without hesitation: No."*

Rep. Wiley Mayne (R-Iowa)—*"The right of each American to join or not to join a union as he or she sees fit is a very precious one which should be defended by every Member of this House."*

Rep. Clarence D. Long (D-Md.)—*"I support the Henderson amendment and congratulate the gentleman for his very constructive legislative proposal."*

Rep. George Bush (R-Tex.)—*"I do not want to see anything written into postal reform which would deprive postal workers of the right to make a voluntary decision about union membership."*

Rep. Edith Green (D-Oregon)—*"Inequality in bargaining power inevitably will mean decisions that will be passed on to an unprotected public. I urge the adoption of the Henderson amendment."*

National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

REED LARSON, *Executive Vice President*

May 16, 1975

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

Speaking for the two-thirds of the American people who oppose compulsory unionism--and directly for the more than one hundred thousand citizens who are active supporters of the National Right to Work Committee--we must formally protest the unfortunate conduct of Secretary of Labor John Dunlop and other labor department officials.

These men, openly and in flagrant violation of their oaths to uphold the laws and Constitution of the United States, are involved in an immoral "boycott" of the new Department of Labor cafeteria--simply because employees of the cafeteria are not members of a labor union.

Mr. President, we respectfully submit that it is the absolute and inviolate right of these and all other wage earners in America to join unions if they want, or to refrain from joining, if that is their choice. The Secretary of Labor surely should recognize this fact.

Instead, Mr. President, he and other labor department officials are "boycotting" the place of employment of these people--an act of coercion that cannot be permitted by the Secretary of Labor representing this, or any other, administration.

Mr. President, we are saddened by this display of animosity by labor department officials against the very working people of America they are supposed to represent.

Most assuredly, Mr. President, Mr. Dunlop knows that better than seventy-five per cent of the working population of this country, for reasons of their own, have decided not to affiliate with labor organizations. If it is his policy not to represent these men and women--and not to respect their rights--he should be replaced immediately with someone who understands the principles of individual liberty upon which our nation was founded. Mr. Dunlop is the Secretary of Labor, not the Secretary of Labor Unions.

Again, Mr. President, we feel his reported behavior is unconscionable. We have tried, without success, to get Mr. Dunlop to deny the accuracy of the news reports--but his press secretary, Mr. Richard Lukstat, has refused to answer our repeated calls. Mr. Dunlop's personal secretary, however, confirmed the report.

Please, Mr. President, either have Mr. Dunlop issue a public statement correcting the record, or ask for his resignation.

Sincerely,

Reed Larson

RL:jes

cc: The Honorable John T. Dunlop

Press Intelligence, Inc.
WASHINGTON, D. C. 20001

Front Page | Edit Page | Other Page

PHILADELPHIA, PA.
INQUIRER

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MAY 8 1975

Labor Dept. Cafeteria Bypassed as Non-Union

By CLARK HOYT
Inquirer Washington Bureau

WASHINGTON—Some employes and officials of the U. S. Labor Department, including Labor Secretary John Dunlop. are boycotting their bright new cafeteria because it is operated with non-union labor.

Dunlop says he will have meals brought in from outside if he has to do any official entertaining. An assistant secretary of labor says he carries his lunch to work in a bag. Another official says, "Some of us came out of the labor movement ourselves, and we're mad."

Meanwhile, members of the government employes union, which represents about 5,000 of the 6,000 Labor Department workers in the Washington area, have been handing out leaflets urging their fellow bureaucrats to boycott the cafeteria.

The issue has become something of an embarrassment for the agency that deals with the needs of working people and is the administration's ambassador to organized labor.

"It does create some problems for me," Dunlop said yesterday. But, he added, "If my union friends are highly incensed about it, my reaction is to tell 'em to organize it (the cafeteria)." About 25 employes prepare and serve food in the cafeteria.

The huge facility has plastic pastel chairs and a glass wall with a spectacular view of the Washington Monument. It is on the top floor of the Labor Department's new headquarters.

reprinted from THE WALL STREET JOURNAL.

Issue of April 22, 1975

20-Year Fight

Right-to-Work Drive: A Friend to Workers Or a Menace to Them?

Ten Big Unions Say Menace, Seek to Curtail 2 Groups In Federal Court Action

Liberty Bell and Prof. Petro

By WALTER MOSSBERG
Staff Reporter of THE WALL STREET JOURNAL

ARLINGTON, Va. — In a shiny new glass-and-steel office building here in the Washington suburbs, 60 people—armed with computers, press releases and $3.5 million a year—work every day to drive George Meany wild.

They form the spearhead of something called the "Right-to-work" movement, largely consisting of two closely linked groups, the National Right to Work Committee and the National Right to Work Legal Defense Foundation.

The two organizations, which share office space in the building, spend their time lobbying in Congress and the press against programs and policies prized by organized labor, and helping individual workers sue their unions on various grounds. Each month, they turn out dozens of brochures, films and other items that refer to labor leaders as "union czars," "arrogant dictators" and "elite rulers."

In return, unions fire harsh words at the committee and foundation. Last year's United Auto Workers convention unanimously condemned the groups as "the tip of the ultra-right iceberg" and "the advance men of neo-fascism." The delegates pledged to "fight against these sinister forces whose design is to destroy the free labor movement."

"We're Not Against Unions"

That is strong stuff indeed, especially when it describes a nonprofit movement that claims as its sole purpose the protection of the right of workers to choose freely whether to join unions. "We're not against unions at all," contends Reed Larson, top operating officer of both the committee and the foundation, merely against "compulsory" membership.

His contention now is being tested in court. For after 2 years of conflict with the right-to-work groups, 10 big unions are suing them. The unions—led by the UAW, the Machinists, and the State, County and Municipal Employes—allege violations of federal labor laws. They seek a sharp curtailment of the groups' legal-aid activities and a formal declaration that they're primarily antiunion cmpaigners.

The suit, now in its early stages in federal court in Washington, promises to be dramatic. It features longtime civil-rights activist Joseph L. Rauh Jr. as the union's counsel and a former U.S. attorney, Whitney North Seymour Jr. on the right-to-work side.

Last week one explosive issue in the case was decided by the Supreme Court—in the unions' favor. Mr. Rauh had demanded disclosure of a sampling of the names of the foundation's financial backers; he said he needed the names to prove his charge that the foundation mainly funnels employers' money into suits by their employes against their unions—a practice barred by federal labor law. A lower court ordered disclosure of 190 names, and the foundation appealed, saying disclosure would have a "chilling effect" on future donors.

May Risk Jail for Contempt

But the Supreme Court refused to stay the order, and it will take effect by the end of next week. Foundation officials are considering putting themselves purposely in contempt of court, risking jail sentences, so that they can start a new round of appeals designed to avoid disclosure of the names.

"If the word starts getting around that by sending a contribution in here, your name's going to go on a list at the union hall," Mr. Larson says, "it could make it very hard to raise funds."

Conservative politicians and commentators have rallied to the right-to-work groups' cause, likening the situation to a 1950s case involving the state of Alabama. In that case Alabama was barred from obtaining a list of contributors to the NAACP Legal Defense and Educational Fund, on the ground that obtaining it would subject the fund's supporters to possible retaliation from anti-civil rights forces. Columnist William F. Buckley Jr. recently charged that Mr. Rauh's demand for the names "once again jeopardizes his reputation as a true friend of civil liberty."

Illustrious defenders of the right-to-work groups were a lot harder to come by in 1955 when some businessmen and disgruntled railroad workers formed the National Right to Work Committee to oppose the concept of the union shop; such a contract provision requires all employes to join the union picked by a majority as bargaining agent. (Unions favor such provisions as a way to guarantee their bargaining strength and guard against "free riders" who otherwise would get union services without paying dues. The committee views them as compelling some workers to join the union who otherwise wouldn't do so.)

Sought State Laws

The group's plan was to get more states to pass laws banning the union shop, a step permitted by section 14b of the Taft-Hartley Act of 1947. In 1958, the right-to-work cause was encouraged when a drive supported by business groups placed the union-shop issue on the ballot in six states. But only one of the states, Kansas, voted to ban the union shop. To try to salvage the cause, the committee called in Mr. Larson, a Kansas right-to-work activist, to take over its then tiny operation.

A lanky, balding former electrical engineer, the 52-year-old Kansan has led the committee out of hard times and obscurity. Using sophisticated fund-raising techniques, he has broadened its roster of contributors and beefed up its lobbying operations.

Two of the biggest developments since his arrival were the successful effort in 1965 to defeat an AFL-CIO attempt to repeal section 14b and the decision in 1968 to create the Legal Defense Foundation, a technically independent, tax-exempt operation.

Mr. Larson calls the movement today a true "citizens' coalition," saying that earlier efforts to fight what he calls "compulsory unionism" failed because they were waged by business groups alone. "The big companies just don't care enough," he complains, charging that some—like the auto makers—actually seem to favor the union shop because it makes life simpler.

Committee and foundation officials tick off impressive figures that they feel demonstrate broad support. Last year, they say, the committee received $1.3 million from 28,000 contributors, each donating an average of $45, and the foundation received $2.2 million from 85,000 contributors, each donating an average of $25.

That total of $3.5 million rose slightly from the $3.4 million raised in 1973. But the 1975 budget calls for a huge increase to $4.8 million. Despite the recession, the committee aims to more than double its number of contributors.

Growing dollar support has enabled the right-to-work movement to flourish. Recently the two groups moved into their second new headquarters since 1972. Behind a handsome blue foyer adorned with the movement's Liberty Bell symbol, they labor mightily to spread the gospel of what they call "voluntary unionism."

The groups crank out a continual and vast array of press releases, brochures, news-clipping sheets, films, speeches, and even newspaper columns that go out under Mr. Larson's byline; as many as 100 papers print them occasionally.

Staff members also churn out tens of thousands of computer-printed fund-raising appeals, many of which go to small-business men or known conservatives, often in the form of letters from conservative Congressmen or friendly small-business men. A typical mailing last summer, signed by Arizona Republican Rep. Sam Steiger, started out: "I am hopeful of getting a number of civic leaders . . . such as yourself to help out on a special project." It was printed on paper bearing a facsimile of the official House of Representatives letterhead.

In the same suite of offices, eight staff attorneys for the Legal Defense Foundation coordinate the movement's courtroom battles. They help workers sue unions, and it is their activity, more than anything else, that has angered organized labor.

Nature of Suits

Though the foundation has participated

in over 100 lawsuits, the most controversial ones have been the two dozen or so that attacked big liberal unions like the Machinists, the State, County and Municipal Employes, the Communications Workers and the UAW.

A number of these suits have challenged unions' use of dues money for certain political activities. Others challenged the tax-exempt status of unions, their right to check off dues deductions from paychecks, and the validity of the "agency-shop" concept under which workers who decline to join unions must pay them a fee in lieu of dues.

Foundation lawyers have won a scattering of the suits, but they concede they have failed to score any big victories over the major unions or establish any precedents that might hamper them. And to union officials, that proves a big point. Stephen Schlossberg, the UAW's general counsel, argues the constant defeats show "a lot of their legal activity is just antiunion harassment. The suits aren't legally sound; they're just designed to force us to waste time and money in court."

"We think the whole operation exists to make a profit for a few individuals, including Mr. Larson," adds Al Zack, the AFL-CIO's official spokesman. He accuses the two groups of "shaking down stupid employers" in order to engage in "union-busting."

Union officials note that Mr. Larson himself says that 84% of the committee's funds and 35% of the foundation's funds come from businesses. The union officials claim that serious investigation would show the percentages to be much higher. They also charge that the foundation helps initiate the worker lawsuits (a charge vehemently denied by foundation executives), and they point out that the committee hasn't been able to get any state to pass a right-to-work law banning the union shop since 1963. The number of states that have passed such a law now stands at 19; it stood at 16 when the Right to Work Committee was formed.

Mr. Larson angrily dismisses charges of "union-busting" as the kind of "venom and hate" his groups have come to expect from labor. But a number of the movement's activities and stands do seem to lend themselves to the interpretation that they are motivated as much by a desire to curb unionism as by a desire to promote workers' freedom of choice:

– One of the foundation's most celebrated suits involved an attack by workers at McDonnell Douglas Corp. against the UAW's collection of dues and "agency-shop" fees on the ground that some of the funds were later spent on political causes the workers opposed. But, at the time the case was filed, the union had a procedure by which objecting members could get rebates of the part of their dues spent on politics. The workers lost that case because of the rebate plan, and other cases against the UAW and other unions have been lost for the same reason.

Even though the suits have been lost, Mr. Larson says, they have forced the UAW to improve its dues-rebate plan and have spurred other unions to offer such rebates, too.

—A film, "And Women Must Weep," produced by the Right to Work Committee some years back, was judged so biased against unions that the National Labor Relations Board in the early 1960s threw out a number of union-representation votes in plants where employers showed the film. (The board recently reversed its policy on the movie.) The film depicts a violent strike by power-abusing "union bosses."

Mr. Larson defends the film as factual. He says the committee doesn't knowingly supply it for use in countering union organizers.

—During the 1969 grape boycott by Cesar Chavez's fledgling United Farm Workers (one of the unions suing the right-to-work groups today), the committee distributed bumper stickers saying "Buy Grapes." It has continued to fight the union.

According to Mr. Larson, the committee's opposition to the Chavez union is based entirely on the union's insistence on union-shop contracts.

—Recently the committee has come out against giving public-employe unions exclusive representation rights, even if a majority of workers vote for one.

Mr. Larson contends that unions use such representation as a lever to force the union shop on public employers sooner or later, and he recently sponsored a Washington seminar featuring representatives of several groups opposed to the idea of any bargaining rights for public-employe unions.

One speaker at the seminar was Sylvester Petro, a Wake Forest University law professor and occasional paid adviser to the foundation, whose views on union bargaining rights are vehement. He declared the 40-year-old National Labor Relations Act to be "a putrid affront to human dignity" and "the most enormous step backward in the history of the Western world." Mr. Larson says the committee itself doesn't necessarily share all the speakers' sentiments.

Proof of Suspicions Seen

Nonetheless, the unions see in these and other activities proof of their suspicions. Mr. Rauh's complaint in court charges "their actual purpose" is to "weaken the strength of labor unions" in relation to the employers who contribute to the right-to-work movement.

Thus he is asking the court to declare the foundation's legal-aid projects as tantamount to employer financing of suits against unions. Further, he is demanding that the two groups be forced to register with the Labor Department under an obscure clause in the Landrum-Griffin Act that includes antiunion "persuaders" along with unions and others who must file reports with the government. Such registration, Mr. Larson fears, would force greater disclosure by the right-to-work groups.

Mr. Rauh defends his demand for a sampling of 190 names of backers as essential to proving his case. He promises that the names won't be disclosed. There could therefore be no retaliation, he says, and he adds that the courts so far have agreed with him that the case is nothing like the Alabama-NAACP case in which defenseless Southern blacks might have suffered.

Mr. Larson views the Rauh suit as exactly the same kind of courtroom harassment the unions charge has been mounted against them. He says the foundation never uses a particular employer's contribution to back a suit by one of that employer's employes against his union; instead, he says, the donations are all intermingled. He confidently predicts victory in the case.

NATIONAL COMMITTEE CAMPAIGNS ON A VARIETY OF FRONTS
Mr. Larson says public employees are prime target of activity

Right-To-Work Movement Labors Mightily On Its Job

Committee, Foundation Have $3 Million A Year Operation

By FRANK KANE
Blade Washington Bureau

WASHINGTON — Remember "right to work," the big issue of 1958 in Ohio, California, and four other states?

Well, despite the fact that right-to-work forces lost in five of those six states, including Ohio and California, in 1958, and that only one state, Wyoming, has since adopted a right-to-work law, the right-to-work people are still pretty active in Washington.

The National Right-To-Work Committee and a companion group, the National Right-To-Work Legal Defense Foundation, constitute a $3 million a year operation with headquarters that take an entire floor of a near-downtown office building here.

UNDER Reed Larson, a 50-year-old former electrical engineer from Kansas who led the successful right-to-work drive in that state in 1958, the committee and the foundation maintain a steady campaign on a variety of fronts against what they term "compulsory unionism."

By that they mean the union shop, whereby workers must join a union within a certain number of days after being hired, or the agency shop, where workers can remain out of the union but still must pay dues to support it.

And, as it did in 1958, the right-to-work issue still occasionally becomes part of a political campaign.

IN THE current gubernatorial campaign in Virginia, one of 19 states that has a right-to-work law, Mills Godwin, a conservative Democrat who recently turned Republican, is running against Henry Howell, a liberal Democrat campaigning as an independent.

Mr. Howell accuses Mr. Godwin of being the candidate of big business and Mr. Godwin in turn accuses Mr. Howell of being the candidate of organized labor and of wanting to repeal Virginia's right-to-work law. He bases this on a proposal made five years ago by Mr. Howell to legalize the agency shop in Virginia.

Virginia, like other right-to-work states, prohibits requiring a worker to join a union or pay dues to one as a condition of employment.

The state AFL-CIO was concerned enough about Mr. Godwin's allegations to pledge that if Mr. Howell, whom it supports, is elected governor "we will never approach him to ask for his assistance to amend or repeal right to work."

DESPITE this pledge, Mr. Larson and the National Right-To-Work Committee have been circulating literature to their supporters in Virginia warning that there would be nothing to stop Mr. Howell from initiating on his own a move to "undermine" the law if he wins election.

"If anything, the attempt to defuse the right-to-work time bomb shows clearly that the union bosses will go to almost any length to get right-to-work enemy Howell in the governor's mansion, where he could begin paying off his political IOUs to Big Labor," a Larson letter states.

This is one of the functions of the committee — warning supporters to rally their forces against attempts to repeal or modify existing right-to-work laws.

FOR EXAMPLE, in a recent newsletter, the committee claimed that "well-funded union bosses" are gathering petitions for 1974 referendums on the right-to-work laws that currently exist in South Dakota and Arkansas.

But as for conducting its own drives to get more states to adopt right-to-work legislation, there hasn't been a major effort since 1964 when in Oklahoma the right-to-work issue lost by about 1.5 per cent of the vote, according to Mr. Larson.

Both he and Hugh Newton, the organization's public relations director, emphasize that a successful campaign for a

Continued

TOLEDO BLADE
September 30, 1973

Continued from First Page

state right-to-work law requires strong state and local leadership and ample financial resources.

"YOU HAVE to wage an enormous campaign because the weight of resources thrown in by the other side is very heavy," Mr. Larson says. "They (unions) really pull out all the stops when faced with a threat to compulsory unionism. They'll have a state just crawling with union staffers."

Some employers joke that they don't have any grievance problems for months when a right-to-work campaign is on because the union representatives are so busy defeating it, he adds.

The national right-to-work group claims that its only role in the 1958 state campaigns was distribution of some literature. In Ohio in 1958, for example, the real leadership of that unsuccessful campaign came from business elements within the state, according to Mr. Larson and Mr. Newton. Mr. Larson, however, led the successful Kansas campaign before he went to work for the national group, which was very active in the later Wyoming and Oklahoma campaigns.

ALTHOUGH Mr. Larson says his organization "is still anxious to support enactment of state right-to-work laws" and will do so where it finds the leadership and resources adequate, it has placed more emphasis on the national level in recent years.

The committee is still crowing over two victories that it claims to have won in Congress — the battle to prevent repeal of Section 14 (B) of the Taft-Hartley Act (which permits states to enact right-to-work laws) in the mid-1960s and inclusion of a right-to-work provision in the 1970 reorganization of the postal system.

Mr. Newton, the public relations man, contends that congressional approval of the right-to-work provision for postal employees proves that the organization represents more than "just John Birchers and a few corporations."

MR. LARSON says that the committee has about 21,000 regularly contributing members plus another 17,000 who are mostly employees (both union and non-union) who at one time or another pledge support to the right-to-work concept but do not contribute regularly.

The organization calls itself "a coalition of employers and employees." Many of the employer members employ 100 or fewer workers. As Mr. Newton points out, most large corporations "have already made their deals with labor, and therefore don't want to get into arguments over the right-to-work question."

The committee has been pushing for a national right-to-work law, sponsored by Rep. Sam Steiger (R., Ariz.) and two dozen other congressmen, mostly from right-to-work states, in the House, and Sen. William Scott (R., Va.). But both Mr. Larson and Mr. Newton classify this as a "long-range target" which is unlikely to get even to the hearing stage in the near future.

IT ALSO HAS been opposing legislation which would give farm workers the protection of the Taft-Hartley Act, on the grounds that such a move would legalize "compulsory unionism" for farm workers in the 31 non-right-to-work states. It opposes similar coverage for any other groups of employees now exempted from the act, such as hospital workers.

It has been supporting legislation which Mr. Newton says would guarantee the right of Federal Government employees to refrain from joining unions. This right is now protected by an executive order in the early 1960s, but the committee would like to see it written into law.

As Mr. Newton points out, one of the biggest areas of union activity today is in the public employee field, and the same field has also become a prime area of activity for the right-to-work forces.

THE COMMITTEE is busily engaged in trying to prevent enactment of state laws which would permit "agency shop" contracts with unions representing state and local government employees.

The organization claims that nearly a dozen states, including Michigan, have "caved in to the demand of top union professionals" on the issue of "compulsory unionism for public employees" and that the issue will crop up in others next year.

It also is fighting a bill on the national level which Mr. Larson claims was written by Jerry Wurf, president of the American Federation of State, County, and Municipal Employees, and which the Right-To-Work Committee official says would establish an agency shop automatically for a public employees' union as soon as it is recognized and allow a full union shop to be made the subject of future contract negotiations.

THEN THERE is the National Right-To-Work Legal Foundation, established in 1968 as a tax-exempt and non-profit group to fight legal battles on issues relating to the right-to-work concept.

The foundation currently is involved in about 55 cases, such as commentator William Buckley's battle against what he regards as compulsory unionism in the television industry and which Mr. Newton says involves questions of freedom of speech and the press; suits to enforce state right-to-work laws in individual cases, and suits by union members who claim that their dues are being used illegally for political purposes.

Mr. Larson says that the legal foundation receives about $2 million a year, about 40 per cent of it from corporations and private foundations and 60 per cent from individuals.

WITH THIS money, the foundation maintains a staff of seven "in-house" lawyers and hires outside counsel across the country to conduct the suits.

Mr. Larson says that the right-to-work group's fortunes on the suits have been "mixed" — "we're winning some and losing some, but we're winning more than we're losing."

These legal activities have provoked a countersuit by 10 unions which claim that the right-to-work organizations have been collecting money illegally from employers to support suits by dissident workers against the unions that the employers deal with.

THE RIGHT-to-work committee claims that it is merely fighting for the right of a worker to join or not join a union as he pleases.

Such a principle promotes democracy in unions, Mr. Larson contends, "because once you open up that escape valve (where a union member could quit a union) the ability of union officials to run roughshod over the wishes of a substantial minority or even a majority of their members is greatly reduced."

Organized labor takes a much harsher view of Mr. Larson's organization. A spokesman for the AFL-CIO termed the committee a bunch of unprintables hired by "idiot employers," and claims that its only real effectiveness is its ability in the Senate to muster enough votes (one third plus one) to maintain a filibuster against repeal of Section 14 (B) of the Taft-Hartley Act.

THE NATIONAL RIGHT TO WORK COMMITTEE 1990 M Street, N.W., Washington, D.C. 20036

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

National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

REED LARSON, *Executive Vice President*

May 23, 1975

The Honorable Gerald R. Ford
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

We are deeply concerned, and disturbed, by recent public statements from your special assistant for labor, W. J. Usery, Jr., indicating that the Administration is seriously thinking of backing federal "collective bargaining" legislation which would result in citizens being forced to pay a labor union for the privilege of working for their own government.

Because of the admitted political activities of public sector unions, the compulsory unionization of federal servants (deceptively labeled by Mr. Usery as "union security") would create a New Spoils System. Government employees would thus be compelled, in order to work, to support political candidates and causes to which they may be conscientiously opposed.

Mr. President, we cannot believe the Administration would adopt such a position -- contrary to the public interest, and in defiance of the expressed beliefs of 83 percent of the American people that affiliation with public sector unions should be voluntary.

Mr. Usery already has done the damage.

We hope you will set the record straight, and will prevent the recurrence of this misbehavior by asking for his resignation.

Sincerely,

Reed Larson

RL/aa

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

MARVIN MANDEL
GOVERNOR

March 3, 1975

MAR 4 - P.M.

Mr. Reed Larson
National Right to Work Committee
8316 Arlington Boulevard
Suite 600
Fairfax, Virginia 22030

Dear Mr. Larson:

This will acknowledge receipt of your recent letter in which you let me know of your organization's feelings about public employee bargaining legislation.

I am taking the liberty of enclosing a copy of a resolution that was adopted unanimously by the National Governors' Conference during its recent Winter Meeting in Washington, D. C. The resolution, in my view, accurately reflects the feelings of Governors and of the states on this sensitive issue.

Sincerely,

Marvin Mandel

Governor

PUBLIC EMPLOYEE RELATIONS

The United States Congress is considering legislation which would provide to State and local government employees the right to organize and collectively bargain. This legislation would substantially replace individual state laws and procedures which now regulate these activities with a uniform federal law.

The National Governors' Conference opposes federal intervention in this area. It is the belief of the Nation's Governors that matters relating to the employees of State and local governments are within the sole jurisdiction of these units and are not properly the subject of federal legislation.

The National Governors' Conference, in adopting this statement, takes no position on the principle of collective bargaining for public employees but states its firm commitment to the view that this is an area which should be left to the discretion of the several States.

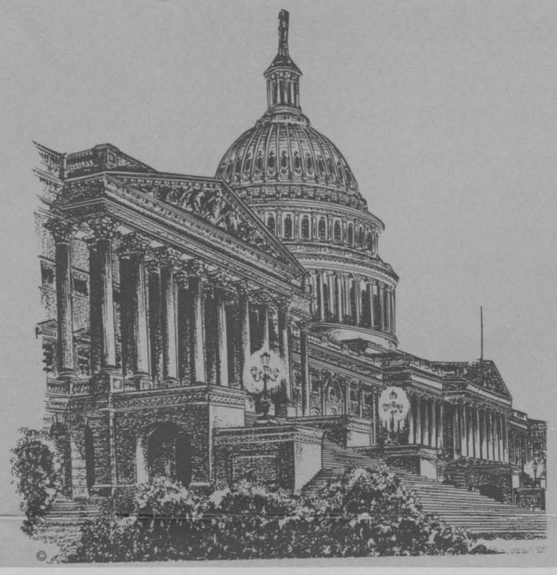
RESOLUTION BY:

Committee on Executive Management and Fiscal Affairs

National Governors' Conference

Adopted - February 20, 1975

Most legislators agree it's



"A BASIC AND PRECIOUS RIGHT"

"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 support this position."

—U.S. Advisory Commission on Intergovernmental Relations
March 1970

12 States Scorn Free Choice in Public Sector

The bipartisan and respected U.S. Advisory Commission on Intergovernmental Relations, after a one-year study of relations between employees and employers in the public sector, published its findings and recommendations in 1970.

Its report unreservedly endorsed the principle that employees at all levels of government should be shielded from coercion by employers, unions and employee organizations.

That endorsement has been trampled in the dust of 12 states.

Public employees in those states, with the sanction of their state governments, *are being compelled against their will to pay dues or fees to labor unions or employee organizations.*

Laws authorizing the *forced* unionization of public employees were enacted in 1973 by the legislatures of Massachusetts, Michigan, Minnesota, Montana, Oregon, Vermont and Washington.

Similar repressive statutes were adopted in 1971 and 1972 by Alaska, Hawaii, Kentucky, Rhode Island and Wisconsin.

Lawmakers in those 12 states appear to have lost sight of the primary function of state, county and municipal governments. That function, reduced to its simplest terms, is to provide law enforcement, fire protection, education services, highway and street maintenance, and public sanitation services. The wages of all public employees are paid by taxpayers.

Public employees in 32 states are shielded from compulsory unionism by laws, constitutional provisions and executive orders.

A New York statute, for example, stipulates:

"Public employees shall have the right to form, join and participate in, or to refrain from forming, joining or participating in, any employee organization of their own choosing."

New York courts have consistently ruled that the foregoing language forbids all forms of compulsory unionism, including the forcible collection of monthly "agency shop" fees from non-union employees.

The constitution of Kansas provides:

"No person shall be denied the opportunity to obtain

(continued on Page 2)

12 States Scorn . . .

(Continued from Page 1)

or retain employment because of membership or nonmembership in any labor organization, *nor shall the state, or any subdivision thereof,* or any individual, corporation, or any kind of association enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of membership or nonmembership in any labor organization." (Emphasis added)

The guarantee quoted above, which is applicable to both public and private employees, was approved decisively by Kansas voters in a 1958 referendum. It is popularly known as the state's Right to Work provision because it safeguards the individual's right to earn his livelihood as either a union member or a non-union worker.

This publication's purpose is to provide the reader authoritative information regarding present state laws affecting the fundamental right of public employees to be free from union coercion. The exhaustive research project on which this report is based was completed after adjournment of the 1973 state legislative sessions.

In 1974 the legislatures of at least 45 states will meet in regular or special sessions. The National Right to Work Committee hopes this report will be helpful to the many legislators who will be confronted in the future by bills intended to guarantee, or deny, freedom of choice in the public sector.

1965 BILL VETOED

After vetoing a 1965 bill designed to expose Wisconsin's public employees to "agency shop" agreements, then-Gov. Warren P. Knowles said: "I do not believe governmental employees, as a condition of employment, should be required to join or make financial contributions to organizations which are contrary to their views or with which they do not desire to associate unless it is clearly demonstrated that employee participation must be compelled for the purposes of improved governmental operation or for the public welfare."

LAWS SILENT

Table 1: States whose laws are silent on question of voluntary or compulsory unionism for public employees

1. Colorado
2. Georgia
3. Idaho
4. Indiana
5. Louisiana
6. Maine
7. Tennessee
8. West Virginia

Most Right to Work Laws Shield Public Employees

General Right to Work laws and constitutional provisions are now in effect in 19 states.

Seventeen of those 19 bans on compulsory unionism cover workers in both private and public employment.

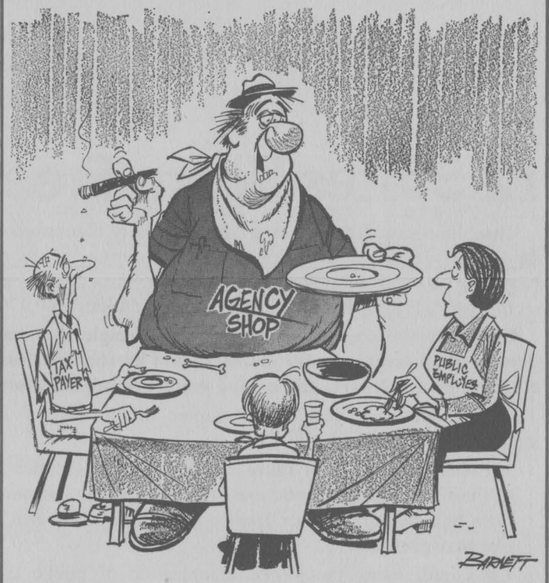
The exceptions are the statutes of Georgia and Tennessee.

A provision in the Georgia Right to Work Law expressly declares that it is not applicable to public employees.

In *Keeble v. City of Alcoa,* 319 S.W.2d 249 (Tenn. 1958), the Tennessee Supreme Court held that the state's 1947 Right to Work law does not apply to employees of the state and its political subdivisions. Because of a marked difference between the wording of the Tennessee statute and the language of the other Right to Work laws, this 1958 decision is not a precedent for interpretation of other Right to Work laws.

Virginia legislators, *without a single dissenting vote in the House of Delegates or Senate,* approved a 1973 bill designed to expand the coverage of their Right to Work law to all public employees.

'Pass The Gravy!'



from
THE INDIANAPOLIS NEWS . . .
Thursday, March 8, 1973

FREEDOM OF CHOICE GUARANTEED

Table II: States forbidding the forced unionization of public employees

State	*Employees Affected*	*Citations*
1. Alabama	All public employees	Code of Alabama, Title 26, § 375(1)
	Firemen	Code of Alabama, Title 37, § 450(3)(2)
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
4. California	All public employees	Deerings California Government Code Annotated, §§ 3502 and 3527
	Teachers	Deerings California Education Code Annotated, § 13082
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
8. Illinois	State employees	Executive Order #6 (1973)
9. Iowa	All public employees	Iowa Code Annotated, § 736A.1.
10. Kansas	All public employees	Kansas Constitution, Art. 15, Section 12
11. Maryland	Teachers	Annotated Code of Maryland, Art. 77, § 160
12. Mississippi	All public employees	Mississippi Constitution, Art. 7, Sec. 198-A
		Mississippi Code Annotated, Section 6984.5(a)
13. Missouri	All public employees except policemen	Missouri Revised Statutes, Chapter 105, § 510
14. Nebraska	All public employees	Nebraska Constitution, Article XV, §§ 13, 14, and 15
15. Nevada	All public employees	Nevada Revised Statutes, § 613.250
16. New Hampshire	All state employees except teachers	New Hampshire Revised Statutes, § 98-C:2
	Policemen	New Hampshire Revised Statutes, 1972, § 105-B:3
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 II and VII
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, § 95-78
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 & Policemen	Oklahoma Statutes, Title 11, § 548.2
	Teachers	Oklahoma Statutes, Title 70, § 509.9
	Municipal employees	Oklahoma Statutes, Title 11, § 548.3-1
24. Pennsylvania*	All public employees except policemen and firemen	43 Purdon's Pennsylvania Statutes Annotated, § 1101.705
	Policemen and firemen	*IAFF Local 1038 v. Allegheny Co.,* 490 GERR B-4 (Comm. Ct. of Pa. 1973)
25. Rhode Island	Municipal employees	General Laws of Rhode Island, § 28-9.4-8
	Teachers	General Laws of Rhode Island, § 28-9.3-7
26. South Carolina	All public employees	South Carolina Code Annotated, Title 40, § 46
27. South Dakota	All public employees	South Dakota Compiled Laws Annotated, §§ 3-8-2 and 60-8-3
28. Texas	All public employees	Vernon's Annotated Civil Statutes, Art. 5154 g, § 1
29. Utah	All public employees	Utah Code Annotated, Title 34, § 34-2
30. Vermont	State employees	Vermont Statutes Annotated Title 3, Chapter 27, §§ 903, 941(2) and 962(6)(A)
31. Virginia	All public employees	Code of Virginia Annotated, § 40.1-58.1
32. Wyoming	All public employees	Wyoming Statutes Annotated, Title 27, § 245.3

* 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. . ."

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, § 23.40.11 and § 23.40.110(b)
2. Hawaii	All public employees	Hawaii Revised Statutes, Chapter 89, §§ 2 and 4
3. Kentucky	Firemen	Kentucky Revised Statutes, § 345.050(1)(c)
4. Massachusetts	All public employees	Senate Bill 1929 effective 7/1/74
5. Michigan	All public employees	Michigan Compiled Laws Annotated, § 423.210(10)
6. Minnesota	All public employees	Minnesota Statutes Annotated, § 179.65, Subd. (2) and (4)
7. Montana	All public employees	Revised Code of Montana Annotated, Title 59, § 1605(c) and § 1612
8. Oregon	All public employees	Oregon Revised Statutes, §§ 243.711 and 243.730
9. Rhode Island	State employees	General Laws of Rhode Island, § 36-11-2
10. Vermont*	Municipal employees	Vermont Statutes Annotated, Title 21, Chapter 22 §§ 1722 and 1726
11. Washington	All public employees	Revised Code of Washington, § 41.56.110
12. Wisconsin	State employees	Wisconsin Statutes, Subchapter V, §§ 111.81(6) and 111.84(1)(f)
	Municipal employees	Wisconsin Statutes, Subchapter IV, §§ 111.70(1)(h) and 111.70(3)(a)3

* Athough the Vermont statute authorizes "agency shop" agreements, it provides: "No municipal employer shall discharge or discriminate against any employee for nonpayment of an agency service fee or for nonmembership in an employee organization."

Protection Accorded All Federal Employees

All employees of the federal government are protected from compulsory unionism by the following section of Executive Order 11491, issued on Oct. 29, 1969, by President Richard M. Nixon:

> "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 1969 order superseded Executive Order 10988, issued on Jan. 17, 1962, by then-President John F. Kennedy. Section 1(a) of the latter also guaranteed full freedom of choice to all federal workers:

> "Employees of the federal government 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 such activity."

Former Secretary of Labor Arthur Goldberg, while addressing a meeting of the American Federation of Government Employees (AFL-CIO) on Jan. 20, 1962, defended the "right to refrain" language in Executive Order 10988. He said:

"I know you will agree with me that the union shop and the closed shop are inappropriate to the federal government. . . In your own organization you have to win acceptance by your own conduct, your own action, your own wishes, your own wisdom, your own responsibility, and your own achievements. . . So, you have an opportunity to bring into your organization people who come in because they want to come in and who will participate, therefore, in the full activity of your organization. . ."

POSTAL EMPLOYEES

Postal workers, who were classified as federal employees until 1970, are also immunized against involuntary unionism. Supported by 226 members of the U.S. House of Representatives, the following Right to Work amendment was incorporated into the Postal Reorganization Act of 1970:

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

IN THE PUBLIC INTEREST

". . . The taxpayers, however broke they may become, cannot terminate the jobs of essential public employees, or shift their business to competitors if prices go too high. It is emphatically in the public interest that public employees' unions not get entrenched behind laws granting them union or agency shops and the right to strike."

—CHICAGO TRIBUNE
Aug. 18, 1973

PUBLIC SURRENDER CONTROL?

". . . Why should there be a closed shop or a union shop or anything akin to it in any public employee unit? Why should the taxpaying public surrender to a union control over the jobs it provides and pays for? . . . It's no part of the public's business to force payrollers into a union."

—PITTSBURGH PRESS
Feb. 16, 1973

"AGENCY SHOP" DENOUNCED

". . . What the collective bargaining contracts would grant to the unions is properly called 'agency shop'—each teacher who is not a union member would have to pay an amount equal to dues to cover 'favors' of bargaining they would receive as nonmembers. Agency shop is another name for an old racket called 'protection'—pay off or be ruined!"

—LOS ANGELES HERALD-EXAMINER
June 11, 1971

Employment Soaring In Public Sector

The number of individuals on the payrolls of state, county and municipal governments, including school districts, skyrocketed in the U.S. from 6,387,000 in 1960 to 10,809,000 in 1972—an increase of 69.2%.

According to the U.S. Bureau of the Census, the *monthly* payrolls of those governmental units increased during that 12-year span from $2,215,000,000 to $7,012,100,000.

This phenomenal employment growth in the public sector has not gone unnoticed by union organizers. They recruited 400,000 new members from the ranks of state, county and municipal workers between 1970 and 1972.

During the same two-year period the number of union members employed by private manufacturing firms in the nation decreased by 245,000.

This brochure
is an educational service of:

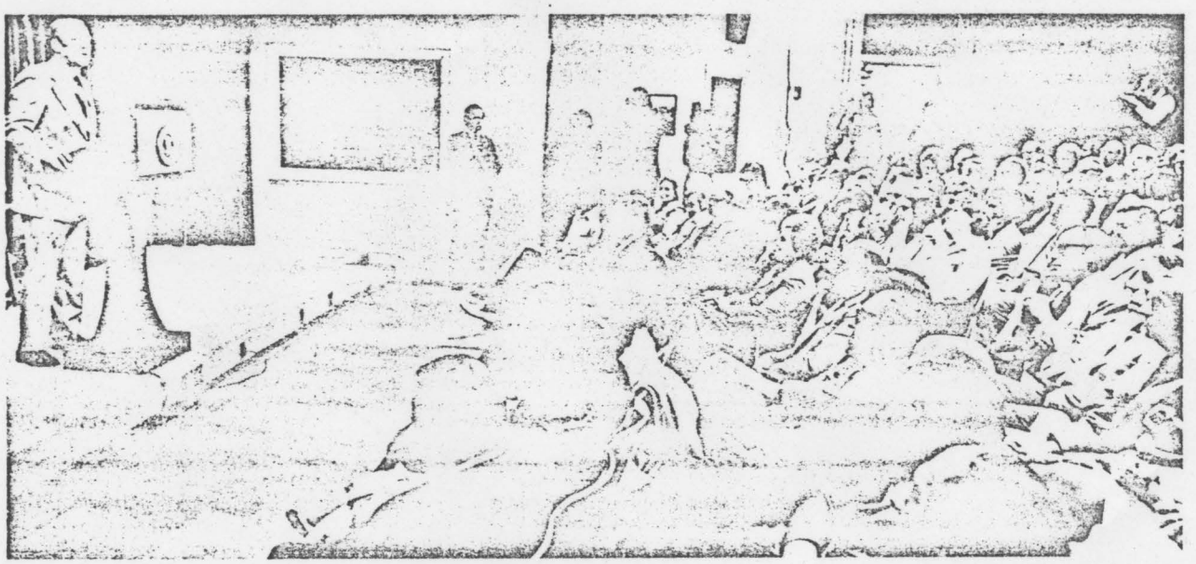
THE NATIONAL RIGHT TO WORK COMMITTEE

1990 M Street, N.W., Washington, D.C. 20036

ADDITIONAL COPIES AVAILABLE

December 1973

nea NEWS
... HELPING TEACHERS TEACH
A newsletter published by the National Education Association for leaders of America's teacher organizations.
May 12, 1975



'Major federal initiatives' ahead, Ford tells NEA leaders

Once the economy gets moving again, President Ford pledged to NEA's Board of Directors May 2, he will push some "new and major initiatives in education at the federal level." Without identifying any specific signs of economic recovery, Ford said he sees "some bright clouds beginning to appear." His remarks came at a special all-morning session of briefings for the entire NEA Board at the Executive Office Building, adjacent to the White House. Other speakers were the Secretary of Labor and the head of the Federal Energy Administration.

To the applause of the 140 NEA leaders representing all 50 states, Ford stressed that he "would like to see classroom teachers have a larger voice in federal policy-making" and wants more teachers on federal advisory councils and commissions. "I will instruct [Education] Commissioner [Terrel] Bell to seek nominees from your organization," the President stated, although he could not pinpoint particular openings. "Let me assure you," Ford concluded, "that during my tenure in office, I want to work with NEA." Calling for a "dialogue," the President promised that "the door will be open as far as the White House is concerned. I want to establish closer ties between NEA and my Administration."

Secretary of Labor John Dunlop managed to discuss teacher bargaining without getting into the federal collective bargaining bill for public employees now pending on Capitol Hill. He observed that "one ought to recognize that some procedure for the recognition of organizations is appropriate." That "people have the right to organize seems to me an incontestable fact in 1975," he declared. Dunlop came out against teachers' right to strike and added that he does not like compulsory education any better. But he failed to suggest any more effective ways to settle disputes, recommending only that "emphasis ought to be placed on the imagination."

Energy chief Frank Zarb's remarks focused on his conviction that Americans must be forced to take a long-range view toward solving the energy problem. He promised NEA a "willing ear and participating agency" in any efforts to boost teaching of conservation, suggesting an NEA–Federal Energy Administration "partnership" to "teach the kids and have them teach the adults."

NEA-backed professor wins $104,000 in First Amendment case

With financial backing from NEA, the New Jersey Education Association, and the Brookdale Faculty Association, fired Brookdale (N.J.) Community College professor Patricia Endress has won not only reinstatement with tenure but also one of the largest monetary awards ever in a teacher rights case. Ruling April 30 that her dismissal last June violated Endress' rights to freedom of speech and of the press, Superior Court Judge Merritt Lane awarded her $104,000 in punitive and compensatory damages, lawyers' fees, and back pay, of which $90,000 must be paid personally by the college president and six trustees. Endress was terminated three days before gaining tenure because of an editorial she wrote in the college newspaper charging the chairman of the board of trustees with a conflict of interest. An investigation by Endress' journalism students had revealed that BCC had awarded a contract for audiovisual teaching equipment to a company headed by the trustee's nephew; the trustee later admitted he was an officer of the firm at the time.

"Comments by teachers on matters of public concern do not constitute grounds for dismissal—even though critical in tone," the judge ruled. "Punitive damages are absolutely necessary," he declared, "to impress on people in authority that an employee's constitutional rights cannot be infringed." NJEA sees the precedent-setting Endress win as putting school board members on notice that those who violate the constitutional rights of public employees "do so at their own peril" and may face "personal consequences" in the courts.

Pa. court reverses State College ruling, OK's broad-scope bargaining

Class size, teacher load, and 19 other items covering a broad spectrum of teacher concerns are in fact "terms and conditions of employment" and therefore clearly negotiable under Pennsylvania's public employee bargaining law, the state supreme court ruled last month. Overturning the labor relations board's 1971 decision in the famous "State College" case that had ruled the items nonnegotiable "managerial prerogatives," the supreme court stated that "an item of dispute must not be removed from the orbit of bargaining simply because it may touch upon basic policy." With the narrow restrictions on scope of bargaining finally lifted, educational improvement items are still "not going to come our way automatically," the Pennsylvania State Education Association warns. "But now the other side can't hide behind their own muddled interpretations of the law. Now school boards must deal with us on these matters or be guilty of unfair labor practice. . . ."

Recession isn't slowing wage gains

Like prices, wages aren't giving way to the recession. Despite high unemployment, those with jobs are winning contracts with large first-year increases designed to restore lost purchasing power. Alaska plumbers, for example, have just won a $6 hourly increase in wages and benefits and now earn more than $20 an hour. In San Francisco, plumbers have won a 12% increase for the first year of a three-year pact and large second and third year boosts as well. And, determined not to be burned by another round of inflation, in the first quarter of 1975 more than 347,000 workers bargained cost of living escalator clauses that base second and third year pay hikes on future changes in consumer prices. At least 5.6 million Americans—54% of all those in major bargaining units—are now covered by cost of living escalators, the Bureau of Labor Statistics reports.

Board recommends $41 million NEA budget

At its May 2-4 meeting, which began with a White House briefing (see page 1), the NEA Board of Directors recommended for transmittal to the July 4 open hearing of the Representative Assembly a 1975-76 NEA program budget balanced at $40,797,000—11% above the budget for the current year. The increased income is based on a projected membership of 1,748,000. The two areas scheduled for sharpest boosts in spending are UniServ (up $1.2 million to a total of $8.7 million to provide for the projected increase from 980 to 1,115 units) and the "Economic and Professional Security for All Educators" goal (up $1.6 million to more than $4 million, reflecting NEA's commitment to securing a federal bargaining bill in 1976 and to helping each local affiliate win exclusive bargaining recognition and an effective contract). Copies of the proposed budget will be mailed to state and local leaders shortly.

PERSONAL ACCOUNT

A teacher spells out financial plight

Editor's note: Jerry Stogsdill, second grade teacher, Ray Marsh Elementary, Shawnee Mission, Kansas, sent a long, angry letter to his school board last month. It received widespread press coverage. We reprint it here, somewhat condensed, to show how a personal story that brings teachers' economic plight into sharp focus can not only shake boards into reconsidering their attitudes but also build community support for teacher demands.

In the next few days as you set priorities in the budgeting of school funds, I ask that you keep the following in mind.

I am a second year teacher in the Shawnee Mission School District. I'm 27 years old. . . . I felt I had something to offer as a teacher in this community. I enjoy working with younger children and I felt that the male image was increasingly needed in our elementary schools. Thus, my decision to specialize in that field.

It has taken me only two years to become discouraged, frustrated and cynical; not with teaching or children, but with the lack of concern by people in this state for education in general and the welfare of teachers in particular.

. . . Members of the Board, at the present teachers pay, I cannot even provide myself with a comfortable existence, let alone hope to support a family should I marry. If you find this hard to believe, I would like to submit my monthly budget for your inspection. After. . . six years of college and two years of teaching, my take-home pay is an astounding $528.79 a month. Approximately $35 of that is earned supervising intramurals before and after school. . . . The following is how my $528.79 is divided:

$185.00	Apartment rent (about average for Johnson County). Of course, house payments are out of the question.
$106.00	Car payment (hardly a luxury sedan)
$ 25.00	Gas
$ 60.00	Food ($15 a week doesn't buy any steak)
$ 20.00	Utilities
$ 8.00	Telephone

The above comes to a total of $404 just to eat, keep a roof over my head and get back and forth to school. That leaves me with $124.79 a month to live the "good life" on. Of course a few other things like clothes, shoes, insurance, auto repairs, an occasional piece of furniture and fees to take district-required college courses cut considerably into that $31 a week. After all that, I didn't know whether to laugh or cry when President Ford called for Americans to save their money to fight inflation. After two years of teaching, I have not been able to save one thin dime. I have taken more than one odd job just to have something left in my checkbook at month's end.

. . . So tell me, Members of the Board, for my dedication is slipping rapidly and I'm becoming angry, where is the impetus to keep quality people in the field of education? What are the rewards that inspire people to work the many hours before and after school needed to run an effective daily program? What future can Shawnee Mission teachers look forward to? More unfulfilled promises? A continued drop in buying power? A constant second-place finish to the cost of living?

Members of the Board, the entire American way of life is based on education. Education provided by teachers who have scrimped and sacrificed on their needs and the needs of their families in order to provide you and your children with the best possible start in life. Their rewards have been obscurity, public disdain, political exclusion and financial hardships. Educational esteem in this country and the treatment of its teachers is a disgrace at the local, state and national level.

Well, Members of the Board, there are rumblings among the masses. No longer will teachers be content to provide this country with the best educational system in the world and then be cheated by that world. No longer will they remain quiet while their families suffer and the families of those they have helped educate prosper. It is time people in this community, this state and this country realize that America's past was built on education and its future lies in the betterment of its educational system. That betterment is cornerstoned in the dedication of quality teachers and those teachers are beginning to look elsewhere.

Should this community, this state or this country allow the quality of education to decay, by forcing quality people out of education due to your cold unconcern for the financial welfare of an historically dedicated group of people, it would be a disaster this nation would not recover from.

Well, Members of the Board, I may be naive but I still remain optimistic. I still hold to the hope that you and the people of this community put the welfare of people above paper, pens, filmstrip projectors and buildings. I still hold to the hope that you realize that our future depends on the education obtained by today's youth. It's now in your hands whether these children will be taught by well-trained, enthusiastic, dedicated *professionals* or by a group of underpaid 8:00-to-3:30 laborers.

One way to help media get the facts straight

Ohio's Cuyahoga Southeast UniServ Unit A, comprising six Cleveland suburban districts, has printed and sent to area news media personnel a handy booklet listing "vital statistics" for each local in the unit: number of teachers, students, and schools; state and local revenue per pupil; expiration date of teachers' current contract; B.A. and M.A. minimums and maximums; and other basic facts. To be revised annually, this little "fact finder" also includes names and phone numbers of local presidents and PR chairpersons, an explanation of the services of the UniServ consultant, and a glossary that defines commonly used bargaining terms.

Strike expectation: a self-fulfilling prophecy?

How do school boards prepare for the spring round of contract talks? With optimism and a determination to build on past experience so as to make the bargaining process a little smoother and easier this year? Don't count on it. What many board members have been studying as they head for the table this spring is advice from their state school boards association on "how to deal with teacher strikes." In Indiana, for example, a 22-page package circulated to all school boards lists "indicators" that a strike is imminent and gives detailed advice on how to break it once it occurs. "It seems the boards have completely misplaced priorities," observes the Indiana State Teachers Association, which has obtained copies of the strike package and supplied them to all UniServ offices. "While we work toward settlements, with strikes as the absolute last resort, [the package] appears to be emphasizing strike preparation, not negotiations preparation. Too many boards are completely ill-prepared for action at the table. This document may explain why."

Makes a nice paper airplane . . .

In an effort to convince Congress that the tide of public opinion is against collective bargaining rights for teachers and other public employees, the National Right to Work Committee—a long-time foe of what it likes to call "union tyranny"—is mailing yet another of its "surveys" to millions of Americans. Whether by design or by accident, this one has been sent to a number of local teachers associations, along with a form letter from Congressman William L. Dickinson (R-Ala.) asking for a financial contribution to the right-to-work cause. Laced with all the standard references to "force" and "union bosses" and carefully worded to elicit only the desired response, the survey questions raise "scare" issues and imply that these will be the consequences if Congress passes the now-pending federal bargaining bill. NEA lobbyists who have worked long and hard in support of this legislation caution against trying to answer the loaded survey. Whether you indicate "no," you don't want any of these dire consequences, or "yes," you *do*, the results can only be used against you.

Any of your members planning sabbaticals?

Deadline for applying for fall quarter sabbatical study at NEA's new International Institute has been extended from May 15 to July 1. Opening in London in September, the Institute will offer accredited, individually designed programs in comparative education and culture especially suited for teachers on sabbatical leave. Several U.S. companies and foundations have made funds available for scholarships to help foot the cost of study at the Institute in such areas as economics, urban education, and business practices. For complete information and an application form, write to Mrs. Natalie Gladstone, NEA International Institute, 1201 16th St., N.W., Washington, D.C. 20036.

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A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

May 21, 1975

Mr. John Vickerman
Office of the White House
1600 Pennsylvania Ave., N.W.
Washington, D.C.

Dear John:

Thanks for your note.

I talked with your aide and gave her the names of our people who will be in attendance.

We are looking forward to the meeting next Wednesday.

By the way, I am sure you have seen the Joe Young piece in the Star. Attached is my response to that story. Quite frankly, it is obvious the Star needs a good managing editor!

For your background interest, the National Committee was founded 20 years ago and now has more than 150,000 enthusiastic supporters.

A brochure on our organization is attached.

Do call my office (Herb Berkowitz will answer) and let me know how many of your people you expect to be on hand, who they will be if you know and any special instructions on format.

Best wishes. See you the 28th.

Sincerely,

Hugh C. Newton
Director of Information

attachments

HCN:lh

National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

May 21, 1975

Mr. James G. Bellows
Editor
WASHINGTON STAR
225 Virginia Ave., S.E.
Washington, D.C. 20061

Dear Mr. Bellows:

With reference to the piece by Joe Young on Usery and "Federal Union Bargaining": it seems to us that your readers should have been informed that Mr. Usery is a former union official (Grand Lodge Representative of IAM) and less than 18 months ago was offered the #3 spot in the AFL-CIO hierarchy.

For these reasons, his position on "Federal Union Bargaining" is not surprising (nor front page headline news -- he has said most of this before and in public).

Finally, while union officials may be "heartened" that their White House spokesman favors compulsory public sector bargaining, we are heartened by the fact that our supporters (grass roots America -- see Federal Times, May 28) have no intention of allowing such legislation to be enacted this year or any other year.

Best wishes.

Sincerely,

Hugh C. Newton
Director of Information

attachments

HCN:lh

Shirtsleeves
Sunny today, high in the mid-80s. Fair tonight, low in the mid-60s. Partly cloudy tomorrow, high in the mid 80s. Details: B-4.

The Washington Star

CAPITAL SPECIAL

TUESDAY, MAY 20, 1975

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Ford Aide Backs Federal Union Bargaining

By Joseph Young
Washington Star Staff Writer

President Ford's chief aide on labor-management affairs has come out strongly in favor of collective bargaining rights under law for federal employes and their unions.

In what appears to be a change in the administration's attitude, W. J. Usery Jr., special assistant to the President on labor relations and the director of the Federal Mediation and Conciliation Service, said the presidential executive order under which the present program operates is woefuly inadquate.

"Everyone knows that an executive order, in the minds of many, is a weak substitute for law," Usery told an American Federation of Government Employes banquet in Salt Lake City.

"An executive order — whether from the hand of a Republican or Democrat — bears the inescapable mark of management," Usery said, adding that "there is precious little collective bargaining in the federal sector" under the present system whereby management deals with unions under a presidential executive order.

"And so long as unions are restricted from bargaining on all of the vital economic issues — wages, pensions, medical care, vacations, holidays, insurance...and many aspects of a multitude of noneconomic issues — seniority, job transfers, discipline, promotion, union security...there can be no fulfillment of our national policy in the government's own house," Usery continued.

Pulling no punches, Usery added, "The end product, all too frequently, is a contract that simply restates what management says management will do — and providing only the protection to grieve should management violate its own rules."

Usery concluded, "I believe that this condition, in itself, can and should be relieved through the adoption of federal legislation bringing true collective bargaining to your members."

Although Usery in the past has generally given rather mild philosphical endorsement of federal employe bargaining rights by law, he never until now stated his views so strongly and emphatically nor advocated immediate action as he does now.

In fact, in his AFGE speech, Usery said any delay in enacting such collective bargaining rights under law "carries with it some inherent dangers." He noted that illegal strikes or walkouts by federal employes could result if true collective bargaining rights are not given them.

Federal employe leaders are greatly heartened by Usery's speech, feeling that it will give a great boost to pending legislation in Congress to give government unions true collective bargaining rights. They appear confident that such a law will be enacted either this year or next year at the latest.

FEDERAL TIMES
May 28, 1975

GRAPEVINE

RELUCTANT CREDIT —The National Right to Work Committee, which apparently is responsible for launching a massive letter writing campaign, is being given credit by some union officials for aborting a legislative drive to launch the agency shop in the U.S. Postal Service.

The bill was a major objective of the American Postal Workers Union and several of the other exclusive unions that dominate the postal work force.

Unlike right-to-strike legislation, the measure never left Rep. Charles H. Wilson's postal facilities, mail and labor-management subcommittee.

And the betting is that for the next several years anyway, the agency shop will remain a dead issue.

ABOUT THE ISSUE:

"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. . . . Moreover, compulsory unionism and corruption go hand in hand."

U.S. Senator John McClellan, Democrat, Arkansas

"In the final analysis, the right of management and unions to contract should not override the natural right of a person to make a free and uncoerced choice with respect to the earning of a livelihood for himself and his family."

U.S. Senator John Tower, Republican, Texas

"WHAT OTHERS SAY"

ABOUT THE COMMITTEE:

"Thank you for the outstanding service you rendered the entire nation in eliminating from the postal bill the clause calling for compulsory unionism. This was one of the greatest victories for individual rights and constitutional government in my entire twenty-two years in Congress."

U.S. Representative Wm. Jennings Bryan Dorn
Democrat, South Carolina

"The importance of the public obtaining knowledge on this issue (the use of compulsory dues for political purposes) cannot be overstated. The National Right to Work Committee has proven it can do this type of job better than anyone else."

U.S. Senator Paul Fannin, Republican, Arizona

"Businessmen, individually or in groups, are in no position to cope with union pressure, and government has shown little desire or ability to do so. The only hope apparently is for businessmen to cooperate with the National Right to Work Committee. . . . This organization has one basic aim—to end compulsory unionism."

Editorial, PIT and QUARRY Magazine, September, 1970

THE NATIONAL RIGHT TO WORK COMMITTEE
1990 M Street, N.W./Washington, D.C. 20036

NRTW 106

THE RIGHT TO WORK ISSUE:

should AMERICANS be compelled TO JOIN LABOR UNIONS?

THE NATIONAL RIGHT TO WORK COMMITTEE

A coalition of citizens from all walks of life—including union members

THE PROBLEM

Today, under the sanction of federal laws, unions and management can make agreements whereby employees can be forced into a union. Under such compulsory "union shop" agreements, the employee must either join and pay dues and fees to the union or be fired from his job.

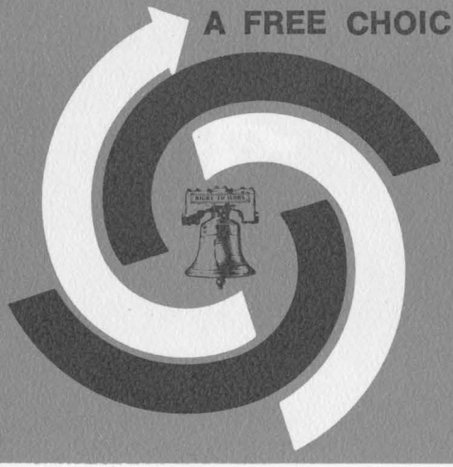
This situation exists in 31 states. Only in the 19 states which have enacted state Right to Work laws—authorized by the federal law—can employees exercise freedom of choice to join or not join a union.

Compulsory union membership is the source of union officials' excessive political and economic power. It is the real root of most of the corruption in labor unions today.

The right of workers to organize has been perverted to include the privilege of compelling men to join labor organizations against their will, and the privilege of forcing employers to herd their employees into unions. Right to Work laws seek to remedy these flagrant abuses of power.

Right to Work simply means that an individual has the right to join a union, and a corollary right to refrain from joining a union without losing his job.

RIGHT TO WORK GUARANTEES A FREE CHOICE



THE COMMITTEE

The National Right to Work Committee has only one purpose—to protect the right of citizens to get and hold jobs whether they belong to unions or not.

Organized in 1955, the Committee's 42,000 supporters and members include thousands of employees, both union and non-union, as well as business firms, homemakers, clergymen, educators and people from all walks of life.

The Committee is incorporated as a not-for-profit corporation and is governed by a Board of Directors. Working under the Board's direction, the executive staff in Washington, D.C., implements the program and carries forward the activities of the organization.

Over the years the Committee has won steadily increasing recognition for its work in exposing and combating the evils of forced union membership. The Committee demonstrated its effectiveness by blocking an all-out drive by union officials in 1965 to repeal Section 14(b) of the Taft-Hartley Act which affirms the right of states to enact Right to Work laws. More recently, the Committee scored an even more significant victory when the Congress voted to include Right to Work protection in the postal reform bill.

The Committee supports no political party. It endorses no political candidates.

Participation in the program of the National Right to Work Committee, as well as financial support to carry out its program, is voluntary.

THE PROGRAM

The National Right to Work Committee's program:

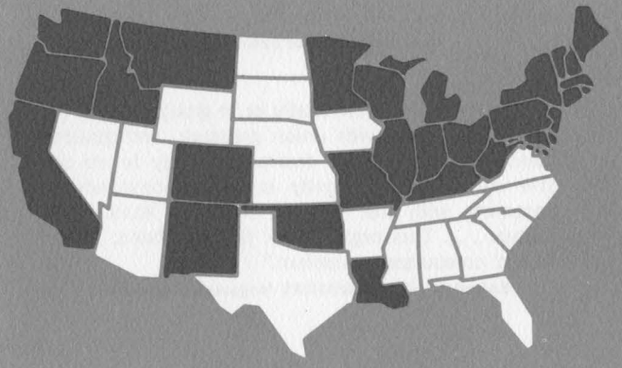
1) Conduct a national education program designed to bring about understanding of the Right to Work principle.

2) Work to obtain legislation which will:
   - Curb the use of compulsory union dues for political activity.
   - Protect public employees against compulsory unionism.
   - Prevent compulsory unionization of farm workers.
   - Ultimately provide national Right to Work protection covering all employees.

3) Provide assistance in organizing state-wide citizen movements to promote, enact, and protect state Right to Work laws.

4) Safeguard Section 14(b) of the Taft-Hartley Act. (That part of the National labor law which reaffirms the right of states to have Right to Work laws.)

NINETEEN STATES NOW HAVE RIGHT TO WORK LAWS



May 16, 1975

MEMORANDUM FOR: ROGER SEMERAD
DOMESTIC COUNCIL

JOHN READ
EXECUTIVE ASSISTANT TO THE SECRETARY OF LABOR

FROM: JOHN C. VICKERMAN
OFFICE OF PUBLIC LIAISON

SUBJECT: Meeting with National Right To Work Committee

Thank you for agreeing to meet with the National Right to Work Committee at 10:00 a.m. on Wednesday, May 28. We will hold the session in Room 102 of the Old Executive Office Building -- this is Bill Baroody's Conference Room.

Hugh C. Newton, Director of Information for the above Committee, and two or three other gentlemen interested in the question of federal employee unions have a presentation they would like to make, and there will probably be some discussion afterwards. I would guess that the whole meeting should last no longer than 45 minutes.

Thanks and see you then.

Copy to:
Bill Baroody

May 16, 1975

Dear Hugh:

As we earlier agreed, we will be expecting your group at 10:00 a.m. on May 28 in Room 102 of the Old Executive Office Building for your presentation and a general discussion of public employee union legislation. We will have representatives from the Department of Labor and the Domestic Council.

Please advise my office a few days ahead of time who will be attending so that we can make the necessary arrangements for admission to the Old Executive Office Building.

We're looking forward to seeing you.

With best regards.

Sincerely,

John C. Vickerman, Director
Business and Trade Associations

Mr. Hugh C. Newton
Director of Information
National Right to Work Committee
8316 Arlington Boulevard, Suite 600
Fairfax, Virginia 22030

Copy to:
Counsellor Marsh

EPS FORM 25
(01-74)

EXECUTIVE PROTECTIVE SERVICE

To: Officer-in-charge
Appointments Center
Room 060, OEOB

Please admit the following appointments on Wednesday, May 28 10:00 a.m., 19 75

for JOHN VICKERMAN /WILLIAM J. BARODY, Jr. (Name of person to be visited) of OFFICE OF PUBLIC LIAISON (Agency):

BERKOWITZ, Herbert

HARE, Andrew

LARSEN, Reed

NEWTON, Hugh

READ, John (Department of Labor

ZON, Don

MEETING LOCATION

Building OLD EXECUTIVE OFFICE BLDG.

Room No. 102

Requested by JOHN VICKERMAN/ANGELA RAISH

Room No. 197 Telephone 6441

Date of request May 27, 1975

Additions and/or changes made by telephone should be limited to three (3) names or less.

DO NOT DUPLICATE THIS FORM.

APPOINTMENTS CENTER: SIG/OEOB – 395-6046 or WHITE HOUSE – 456-6742

MEETING CHECK-OFF LIST

ASSOCIATION: NATIONAL RIGHT TO WORK COMMITTEE

CONTACT: HUGH C. NEWTON, DIRECTOR OF INFORMATION
TELEPHONE: 573-8550

DATE: May 28

TIME: 10:00 - 11:00

ROOM: 102 - Baroody Conference Room - Maureen o.k.

BRIEFERS: Roger Semerad, Domestic Council
John Read, Exec. Asst. to Secretary of Labor

LETTERS AND MATERIAL SENT TO BRIEFERS: May 16

PHOTOGRAPHER: NO

PRESIDENTIAL GIFT:

SECURE ELEVATOR: N/A
(If Room 450)

CLEARANCES: Done

CLEARANCES FOR BRIEFERS: Just Mr. Read

SLIDE PROJECTOR: N/A

COFFEE: N/A

National Right To Work Committee

A COALITION OF EMPLOYEES AND EMPLOYERS

HEADQUARTERS AT THE NATION'S CAPITAL

May 28, 1975

Mr. John C. Vickerman, Director
Business and Trade Associations
THE WHITE HOUSE
1600 Pennsylvania Ave., N.W.
Washington, D.C.

Dear John:

Thanks for your time, attention and interest. We certainly appreciated the opportunity to provide the administration with some opinions on public employee bargaining legislation, opinions that we believe reflect those of a substantial portion of the American voting public.

In our mutual interest, I do hope that the door opened today will stay open.

You may find the cover story and Kilpatrick column in our current NEWSLETTER of some interest.

Best wishes.

Sincerely,

Hugh C. Newton
Director of Information

attachments

HCN:lh

cc: John Reed
Roger Semerad

MAY 1975

NATIONAL
RIGHT TO WORK
NEWSLETTER

Published by the NATIONAL RIGHT TO WORK COMMITTEE □ 8316 Arlington Blvd., Fairfax, Va. 22030

Vol. XXI, No. 5 May 28, 1975

MAYORS' LAWSUIT COULD DOOM PUBLIC SECTOR "LABOR" LEGISLATION

A landmark lawsuit argued recently before the U.S. Supreme Court could doom the controversial public sector "labor" legislation now before Congress—if the court rules to uphold the sovereignty of America's 15,000 cities.

The legislation avidly sought by the bosses of Big Labor would force public employees to accept unwanted union representation and would legalize compulsory union arrangements compelling them to pay union dues for the unwanted and unasked-for "services."

State, county and local governments would be required under the law to "bargain" with union officials over a variety of issues—including the individual rights of their employees.

(Hearings on the proposals will be held by the House Education and Labor Committee. Members of this committee—see April NEWSLETTER—received more than $429,000 in cash campaign contributions from union officials last year.)

According to Sen. Jake Garn (R-Utah), former mayor of Salt Lake City and vice president of the National League of Cities, the important Supreme Court case challenges the authority of the federal bureaucracy to intervene in the internal employment practices of the states, and their political subdivisions. The case involves the Fair Labor Standards Act.

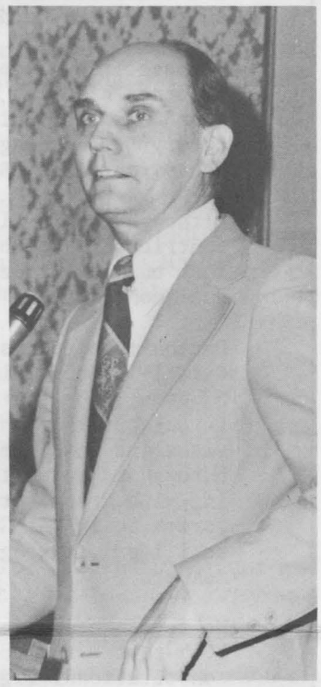
NEW CHALLENGE

If the court decides the federal government doesn't have the constitutional authority to dictate employment policies to the states, Congress will be less likely to enact the proposed compulsory unionism "bargaining" bills.

By the same token, denied what they want on the federal level, union lobbyists undoubtedly would turn their full attention to the 34 states where compulsory public sector unionism is now illegal.

Opponents of compulsory unionism would be faced with a renewed flurry of activity in dozens of states as the union hierarchy attempts to grab in the state legislatures what the Supreme Court has denied them from the Congress.

At this point, however, this is just speculation—depending on the outcome of the lawsuit.



Sen. Jake Garn

In a speech at the annual meeting of the National Right to Work Committee, Senator Garn said the Supreme Court decision will determine "whether locally elected officials who are responsible and accountable to their electorate at election time have the right to make decisions in their own cities and be held accountable to them.

"And if (they) do, it's going to forestall a lot of future legislation," he said, making a direct reference to the proposals to impose compulsory collective bargaining on the states, counties, and cities, and compulsory union membership on their workers.

Senator Garn warned that federal intervention of this type could lead to "the destruction of the most brilliant system of government ever devised on the face of this earth," a system which separates the state and national government "each with their own duty," with the people closest to the electorate making the basic decisions.

"That's being taken away, and it's being taken away by a Congress who wants to compel, who wants to dictate."

LEADING SPOKESMAN

Since his election last year, Senator Garn has

(Continued on page 6)

National Right To Work Committee

SPECIAL REPORT TO MEMBERS

REED LARSON, *Executive Vice President*

Dear Member:

The lawsuit by ten international unions against the Committee and National Right to Work Legal Defense Foundation, described by a union spokesman as "the largest multi-union legal action ever undertaken," is reaching a critical stage.

Federal Judge Charles Richey has ordered us to open up our contributor lists to the officials of international unions. We have been told by the U.S. Circuit Court of Appeals that this damaging disclosure order can be reviewed by higher courts only if the Committee and the Foundation place themselves in contempt of court by disobeying Judge Richey's order.

We have been placed in this difficult position despite the fact that not a shred of evidence has been presented by the ten union-plaintiffs that the Committee or the Foundation is violating any federal law. We have already submitted to lengthy "discovery" proceedings, providing the unions with extensive financial data, correspondence, mailings, Board meeting minutes, and 1,020 pages of sworn testimony.

Although the initial order by Judge Richey involves only 190 of the larger "company" contributors to the Foundation, our disclosure of these names could undermine the last bulwark of defense against being forced to turn over the name of every individual contributor.

Furthermore, counsel for the ten giant unions has admitted in open court that, immediately upon getting their hands on the names of Right to Work contributors, these names will be sorted by geographical areas and transmitted to local union bosses throughout the country for "discreet inquiry." It requires little imagination to visualize what the "discreet inquiry" will mean to thousands of union-member-contributors and to small independent businessmen. The tactics of union officials in dealing with "recalcitrant members" and other vulnerable individuals are well-known. As former Solicitor-General Archibald Cox wrote ". . . there are many ways, legal as well as illegal, through which entrenched (union) officials can 'take care of' recalcitrant members."

We feel a heavy responsiblity in reaching this crucial decision -- a responsibility both to the future of the vital work of the Right to Work organizations and to the constitutional rights and personal security of tens of thousands of fine Americans who contributed generously to help right the wrongs of compulsory unionism. In order to protect our contributors from reprisal by vindictive union officials, we are faced with having to decline respectfully and formally to obey an order of a federal judge.

I am prepared, after discussions with my family, to take whatever personal risks are necessary to preserve the principles of the Committee and Foundation and the constitutional rights of our loyal contributors. We invite the advice and counsel of any of our supporters.

Reed Larson

NATIONAL RIGHT TO WORK NEWSLETTER is published monthly by the National Right to Work Committee, 8316 Arlington Blvd., Fairfax, Va. 22030. Subscription: $2.00 annually. Vol. XXI, No. 5, May 28, 1975. Second-Class postage paid at Fairfax, Va., and additional mailing offices.

Labor Secretary Dunlop, Labor Department Officials, Boycott Non-Union Workers

Consistent with his unswerving dedication to compulsory unionism, John T. Dunlop is putting the power and prestige of his post as Secretary of Labor behind a campaign to force workers to submit to unwanted union membership.

According to news reports, Dunlop and several other labor department officials (some of whom are openly identified as "former" union professionals) are participating in a supposedly informal "boycott" of a new labor department cafeteria which employs workers unaffiliated with unions.

In a letter to the President, National Committee executive vice president Reed Larson called the Secretary's action's "unconscionable" and coercive—and called on the President to have Dunlop issue a public apology. The alternative, Larson said, would be to "ask for his resignation."

PREDICTABLE

Dunlop's actions come as no surprise!

In hearings before the Senate Committee on Labor and Public Welfare, on February 25, Larson warned that Dunlop 'is insensitive to the rights of working people . . . is among the small minority of Americans who believe that the power and privileges of union officials are more important than the liberty and freedom of wage earners."

Larson said "that the public interest in general and the interest of America's wage earners in particular are poorly served by the selection of a Secretary of Labor who embraces the philosophy of compulsory unionism. Certainly this bespeaks a bias on his part against the rights of working people and in favor of the privileges of union officials. **This bias is certain to be reflected in the actions and decisions of a cabinet member who should be acting in the public interest and not on behalf of a small, powerful special interest group—the officials of organized labor."**

As Secretary of Labor, Dunlop is supposed to represent not only the interests of union organizers, but the interests of working people as well—including the 75 percent of the workforce who have exercised their supposed right not to affiliate with labor organizations.

By refusing to acknowledge the rights of these employees, Dunlop has seriously compromised his ability to serve the country as an impartial Secretary of Labor.

NEWSLETTER readers can contact the Secretary at Room 3140, Department of Labor, 14th & Constitution Ave., N.W., Washington, D.C. 20010. Copies of the letters should be sent to the President.

If goons prevail, freedom dies

An Editorial

PHILADELPHIA INQUIRER

April 11, 1975

"It was just horrible," one witness said. "I don't see how it could be allowed to happen in America."

Neither do we. It certainly should not be tolerated in America.

Some 20 to 30 persons wearing masks invaded a non-union construction site in Cherry Hill, beat workmen, damaged their autos and company equipment, and knocked down a wall being erected for a shopping center. Four of the alleged assailants, chased and caught by police, were identified as members of the Cement Masons Union of Camden, affiliated with the Building and Construction Trades Council of Camden.

This and other building sites of the Tallmen Construction Company in Camden, which employs non-union labor, are being picketed by the Trades Council. There have been acts of vandalism at three sites since early March.

We make no judgment of guilt regarding any individual or organization. That is for the courts to decide. But it is imperative that there be vigorous investigation and prosecution of not only those who perpetrated the despicable acts but those who ordered and planned them.

Sabotage of non-union construction sites is a pattern not confined to New Jersey. Massive assaults on Altemose Construction Company projects in Southeastern Pennsylvania suburbs are infamous examples of raw power to harass and intimidate and destroy.

A person's right to earn a living, whether in a union or non-union job, is the most fundamental of civil rights. It must not be surrendered to goons seeking to substitute force for law.

At Annual Meeting . . .

Right to Work Committee Marks 20th Anniversary

The National Right to Work Committee's 20th Anniversary, being celebrated in 1975, provided the theme for this year's board of directors meeting May 8-9 in Washington.

Among the many notables on hand for the occasion were Hon. Shelby Cullom **Davis,** U.S. Ambassador to Switzerland; journalist William B. **Ruggles,** who coined the term and the legal concept of Right to Work in a Labor Day 1941 *Dallas Morning News* editorial; author Richard **deMille,** son of the late film producer Cecil B. DeMille (see page 7), more than a dozen members of Congress, and several distinguished academics.

One of the highlights of the meeting was the annual awards banquet honoring wage-earners who have demonstrated an outstanding understanding of and commitment to the principle of voluntary unionism.

Honored this year were college professors, a janitor, school teachers, a medical technician, waitresses, a farm worker, electricians, and several others.

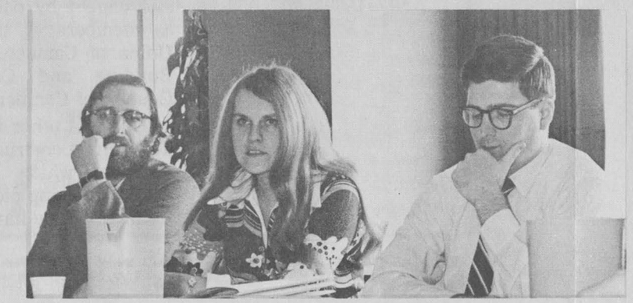
Hubert **Albertz** of New York City received the *John Seeley Memorial Award,* which is presented annually to the person most clearly demonstrating the qualities of leadership, integrity and dedication to the Right to Work principle. And Sarah **Barrie** of Detroit received the *Senator Everett M. Dirksen Award,* given annually to the person who makes the most outstanding contribution to public awareness and understanding of the Right to Work principle.

A Belgian immigrant, Albertz came to this country looking for hope—and found compulsory unionism. Albertz has been at odds with the bosses of the AFL-CIO Services Employees' Union for many years—dating back to the time when he dared to ask how his dues and union treasury funds were being used, following an arbitrary dues increase. Hounded out of the union, and fired from his job as a building supervisor, he was forced to pick up stakes and move to another section of New York City in order to resume employment.

Mrs. Barrie is a guidance counselor in a Detroit, Michigan, high school, and one of several hundred Detroit teachers putting up stiff resistance to compulsory unionism in their schools. Her feelings on compulsory unionism gained national attention last year as a result of a moving column she wrote for the widely read *Detroit Sunday News Magazine.* She has been in the school system for 32 years, many of them as a voluntary member of the Detroit Education Association. Eighteen other wage-earners from across the country also were honored.

National Committee Board member Carol Applegate (left), Grand Blanc, Mich., school teacher, and Sarah Barrie, Detroit public school guidance counselor listen pensively to a discussion of compulsory unionism in education.

Senator Garn gets a Right to Work history lesson from William B. Ruggles, editor emeritus of the *Dallas Morning News.*



The subject on the minds of (from left) Leon Knight, Susan Staub, and Lance Lohr is compulsory unionism in the schools. Knight is an instructor in a Minnesota community college; Lohr teaches history in the Philadelphia Catholic school system, and Mrs. Staub, a former school teacher, is director of the National Committee's educational services program.

A happy Hubert Albertz acknowledges the applause given him after being presented the *John Seeley Memorial Award.*

Prof. Sylvester Petro, Wake Forest University law professor (left) doesn't have to persuade Terence Florin (center) and Leon W. Knight that compulsory unionism is wrong in higher education. Florin, a psychology instructor, and Knight, a teacher of black studies, are employed by the Minnesota State Community College system—and are involved in a milestone lawsuit challenging the state-imposed requirement that they accept an unwanted union as their "exclusive" agent.

National Right to Work Committee executive vice president, Reed Larson (right), presents a commemorative scroll to Richard deMille, son of the late Cecil B. DeMille, marking the 30th anniversary of DeMille's epic battle over compulsory unionism (see page 7). Looking on are (from left) board chairman Raymond Losornio, and board member Kenneth Kellar, a close personal friend of the late film producer, and a former director of the DeMille Foundation for Political Freedom. Remembering the events of 30 years ago, Richard deMille—himself an author, television director, and former union member—said that he had come across country from California not because he had to, but "because I wanted the opportunity to say . . . he was on the right side." He added, "I believe that human beings innately want to make their own decisions."

Right to Work NEWS BRIEFS

GEORGE WALLACE FOR COMPULSORY UNIONISM?—State Rep. Douglas Johnstone (Mobile) has introduced legislation which would destroy the Alabama Right to Work law by legalizing compulsory "agency shop" arrangements. Gov. George Wallace had quietly promised union officials during a previous session of the legislature that he would support such a bill—but quickly divorced himself from the proposal when Alabama voters and opinion leaders appeared ready to stage an electoral revolt. Newspapers printed copies of a letter in which the Governor allegedly promised to support compulsory unionism legislation, but the letter was claimed to have been sent by Wallace staff members without his authorization. In view of his presidential aspirations, the Governor's reaction to the current proposal will be worth noting . . . **LOUISIANA RIGHT TO WORK**—The Louisiana legislature erupted into political warfare during the first week of the new legislative session when union lobbyists insisted that proposed Right to Work legislation—introduced in both the House and Senate—be assigned to union boss-controlled "Labor" Committees. The bills' sponsors, Sen. Jackson B. Davis (Shreveport) and Rep. B. F. O'Neal (Shreveport), wanted them assigned to committees where the bills stood a chance of getting a fair hearing. The House "labor" committee promptly rejected the proposal . . . **PUBLIC SECTOR**—Legislation authorizing the compulsory unionization of public employees was still pending in several states at NEWSLETTER press time. Among the most serious threats are the bills in New York, New Hampshire, Colorado, and Connecticut . . . **FORCED "MEMBERSHIP" VERBOTEN**—The U.S. Court of Appeals for the Ninth Circuit has reaffirmed previous court rulings that a worker can not, under the National Labor Relations Act, be forced to become an actual union *member*. At most, the court recently decided in the *Hershey Foods* case, a worker can be compelled to pay "agency shop" fees and assessments . . . **SHAPP GETS MARCHING ORDERS**—The Valley Forge, Pa., Sheraton Hotel is not good enough to house the 1976 National Governors' Conference because it was built by a firm which refuses to discriminate against non-union workers. Despite the fact that the executive board of the Governors' Conference had appropriately chosen Valley Forge as the site for the 1976 Bicentennial meeting, and tentative reservations had already been made at the Sheraton, host Gov. Milton Shapp did an abrupt about-face after a visit from state union bosses.

Udall Pledges 14(B) Repeal

If union officials can get him elected president, Arizona Democrat Morris Udall will repay the favor by "leading the fight" to repeal section 14(b) of the Taft-Hartley Act, the Right to Work provision.

That's the promise Congressman Udall made recently to union bosses in Cleveland, Ohio.

Congressman Udall told the union bosses that the only reason he voted against repeal in 1965-1966 was because "he followed his constituents' wishes."

Apparently, that's no longer a good enough reason. He now feels the political money and resources union officials can throw his way are more important considerations than the wishes of the two-thirds of the American people who favor Right to Work.

The National Right to Work Committee suggested in an April 28 public statement that Udall's desperate effort to win campaign support from the bosses of Big Labor "will undoubtedly backfire, and not only harm his chances for the presidency—but also cost him in Arizona if he is forced to run for reelection to Congress or is a candidate for the U.S. Senate" (unless, of course, he switches his position again).

Calling Udall's political about-face a "betrayal and a sell-out," executive vice president Reed Larson noted that an Opinion Research Corporation study released just a year ago showed that 74 percent of the American people favor retention of 14(b).

"Congressman Udall, by aligning himself with the powerful bosses of Big Labor against the vast majority of the American people, has sealed his own political fate."

NEWSLETTER readers can contact Congressman Udall at 1424 Longworth House Office Building, Washington, D.C. 20515.

PUBLIC SECTOR

(Continued from page 1)

emerged as a leading spokesman for local government autonomy and the rights of public employees. Instead of giving them "rights," he says the proposed compulsory union legislation would deprive them of basic rights, while giving union professionals additional coercive powers and special privileges.

"I believe in the right of someone to join a union, but the key is if they want to," he said.

". . . if they (union officials) have to be salesmen, they'll do a better job."

Senator Garn said "I don't even understand . . . in the United States of America how anyone can think that it's fair or right to compel anyone, in order to have a job, to join any organization. I don't care what it is, whether it's the American Medical Association or the AFL-CIO or any other organization, I just frankly am not capable of understanding how in the free society people want to say you 'must.' "

A 30-Year Retrospective

CECIL B. DEMILLE REMEMBERED

The Ten Commandments, Feet of Clay, The Volga Boatman, The King of Kings, The Sign of the Cross, Cleopatra, The Plainsman, Samson and Delilah, and *The Greatest Show on Earth.*

These were just a few of the more than 70 films made during his career which helped immortalize Cecil B. DeMille to film goers, critics, and historians here and abroad.

His innovations—the development of real sets, the use of close-ups for the first time—combined with his still unequalled showmanship—panoramic locations, all-star casts, glittering costumes, boldness and bigness—have left their mark on an industry, an art, and generations of critics and fans alike.

But a greater legacy, given just a single line in his biography in the *Encyclopedia Britannica,* has all but been forgotten.

It all started in August 1944 when Cecil B. DeMille received a letter from the American Federation of Radio Artists, one of the two unions to which he belonged. (The other was the Screen Directors' Guild.)

In the letter, DeMille was told that officials of the Los Angeles local of AFRA had voted to assess each member of the local a one dollar political assessment to be used in opposing a proposition scheduled to appear on the California ballot in the November general election. That proposition was "Proposition 12", which would have outlawed compulsory unionism in the state.

Here is how he described the situation: *"When I received the letter, I knew, or thought I knew, something about an American citizen's right to political freedom. When I studied Proposition 12, I decided to vote for it. And here my union was demanding that I pay $1 into a political campaign fund to persuade other citizens to vote against Proposition 12: was demanding in a word that I cancel my vote with my dollar. Even if I were opposed to Proposition 12, I asked myself, did my union, did any organization, have the right to impose a compulsory political assessment upon any citizen, under pain of the loss of his right to work?"*

KING'S RANSOM

The one dollar assessment to fight the Right to Work proposal had to be paid by September 1, under pain of suspension from membership in the union. A single buck, but to Cecil B. DeMille a king's ransom in principle.

What was at stake to Cecil B. DeMille? His job with the popular *Lux Radio Theater*, which at that time had an audience of 20-30 million Americans every Monday evening. In terms of money, the job meant only $100,000 a year to DeMille.

"On the other side of the scale was $1—with my political freedom pinned to it."

After much agonizing, and against the advice of many close, personal friends, DeMille made his decision. He refused to be coerced into paying the dollar.

LAST SHOW

He conducted the Lux Radio Theater of the Air for the last time on January 22, 1945. After that he was banned permanently from radio and television.

But that wasn't the end.

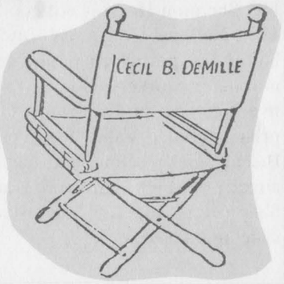
DeMille became a tireless crusader for the Right to Work cause.

On March 17, 1945, friends purchased air time so he could tell the American people, over a nationwide radio broadcast, exactly what had happened. The response was overwhelming.

The letters *"came from every part of the country and from every fighting front where Americans were still at war. They were from Democrats and Republicans, rich and poor, men, women, and even children in all walks of life. Many of the most touching,"* he noted, *"came from union members or their wives. The gist of them all was much the same: 'Do something to keep what has happened to you from happening to the rest of us.' "*

Many of the letters had money in them, which created a new problem: What to do with it.

To those who sent dollar bills asking him to pay the assessment and return to the air, he returned the money. *"But others sent money . . . in some instances as little as a dime, all they could afford"* for DeMille to use to fight the power that could cut off a man's livelihood if he refused to obey its dictates. *"This money was a sacred trust,"* he wrote, and resulted in the birth of the DeMille Foundation for Political Freedom . . . which in many ways was the predecessor of the National Right to Work Committee.



Thirty years have gone by since Cecil B. DeMille made his choice.

It's a choice that will always be remembered by those who cherish personal freedom over tyranny.

Syndicated Nationally by Washington Star Syndicate

NEWARK STAR-LEDGER MIAMI HERALD NEW ORLEANS TIMES-PICAYUNE DENVER POST

April 30, 1975

James J. Kilpatrick

Unions and Government Workers

WASHINGTON—Every Congress has its "sleeper" bills—the measures that attract little notice until they climb out of committee and slip quietly through a drowsy chamber. One such sleeper to keep your eye on is the bill to provide collective bargaining by employes of state and local government.

A number of states already have blundered into the traps being set by trade unionism. The militant teachers' unions have been especially active. Sanitation workers, public health nurses, bridge tenders and other workers have demonstrated the power of organized labor.

Thus far, the efforts have been piecemeal. If the pending legislative proposals are written into federal law, we will have, for the first time, a national policy specifically authorizing trade unionism and collective bargaining on the part of government workers. Such a time-bomb policy should be rejected out of hand.

The stakes are enormous. An estimated 14 million persons now are employed by government—3 million at the federal level, 11 million on state, county and municipal payrolls. Between 1951 and 1972, government employment increased by 151 per cent, and payrolls by nearly 600 per cent. Not even the farm workers, still largely unorganized, offer such a rich potential to organized labor.

Union leaders are purring at the prospect. Last November the AFL-CIO's new Public Employees Department held its first meeting. President George Meany, a gentleman who does not abash easily, dealt unabashedly with a crucial issue: "Certainly," he said, "it's against the law to strike civil service, but it's AFL-CIO policy to ignore those laws." In Mr. Meany's view, a strike against government is not to be distinguished from a strike against any other employer: "If a guy happens to be the mayor of a city or the governor of a state, it doesn't make a damn bit of difference."

The prospect of public service strikes is only part of the problem. The sleeping bills would authorize both the union shop and the agency shop. Under a union shop contract, new employes must become union members within a stipulated time, usually 30 days, or be fired. Under an agency shop, every person in the bargaining unit must pay tribute to the union whether he belongs to the union or not.

To leaders of organized labor, civil service unions safeguard the public interest and contribute to the effective conduct of public business. Amplifying on this concept of "business," they insist that government today must be equated with business: School boards, budget offices, and personnel directors must deal with employes on wages, hours, and working conditions. It is to negotiate on these matters that unions were born. So what's wrong with collective bargaining in government?

The short answer is that plenty is wrong with it. Government is not business. Taxpayers are not voluntary shareholders. Governments are vested with power to provide the vital services and to secure the rights of all people. That power cannot possibly be bargained away to organized labor.

The odious practice of compulsory unionism, bad enough in private industry, would be intolerable in government. Thirty-four of the 50 states now forbid such coercion of their public servnants. But under the pending bills, this protection—the right "not to join" a union—would be wiped out. Given a weak or complaisant city council, the union could take command.

This cannot be permitted to happen. A poll conducted by the Opinion Research Corporation in January found overwhelming sentiment against compulsory unionism in government. Even among union members, a lopsided majority is opposed. The National Governors' Conference strongly condemns federal intervention. The advisory Commission on Intergovernmental Relations urges protection of the right "not to join."

But in this Congress, the unions are riding high. Unless we are to look forward to government of the unions, by the unions, and for the unions, their power must be trimmed back to size.

THE NATIONAL RIGHT TO WORK COMMITTEE
WASHINGTON D.C. HEADQUARTERS
8316 Arlington Boulevard
FAIRFAX, VIRGINIA 22030

Second Class Postage Paid at Fairfax, Va., and additional mailing offices.

FEDERAL TIMES
May 28, 1975

GRAPEVINE

RELUCTANT CREDIT —The National Right to Work Committee, which apparently is responsible for launching a massive letter writing campaign, is being given credit by some union officials for aborting a legislative drive to launch the agency shop in the U.S. Postal Service.

The bill was a major objective of the American Postal Workers Union and several of the other exclusive unions that dominate the postal work force.

Unlike right-to-strike legislation, the measure never left Rep. Charles H. Wilson's postal facilities, mail and labor-management subcommittee.

And the betting is that for the next several years anyway, the agency shop will remain a dead issue.

File - I think we need a file for this group.

HUGH C. NEWTON AND ASSOCIATES
PUBLIC RELATIONS
(703) 573-8555
618 SOUTH LEE STREET (OLD TOWNE) - TELEPHONES: ~~(202) 296-4980~~ (703) 549-5825
ALEXANDRIA, VIRGINIA 22314

October 21, 1975

Mr. John C. Vickerman, Director
Business and Trade Associations
The White House
Washington, D.C.

Dear John:

You may find the attached of some interest. They are samples of the efforts of the National Right to Work Committee on "Common Situs."

Another ad in our series runs in the Star today. One of the quotes used in that ad does a good job of telling the story. The Tulsa World says, "Barring a last minute change of signals, President Ford appears committed to signing one of the worst pieces of labor-management legislation to come down the congressional turnpike in years."

Best wishes

Sincerely,

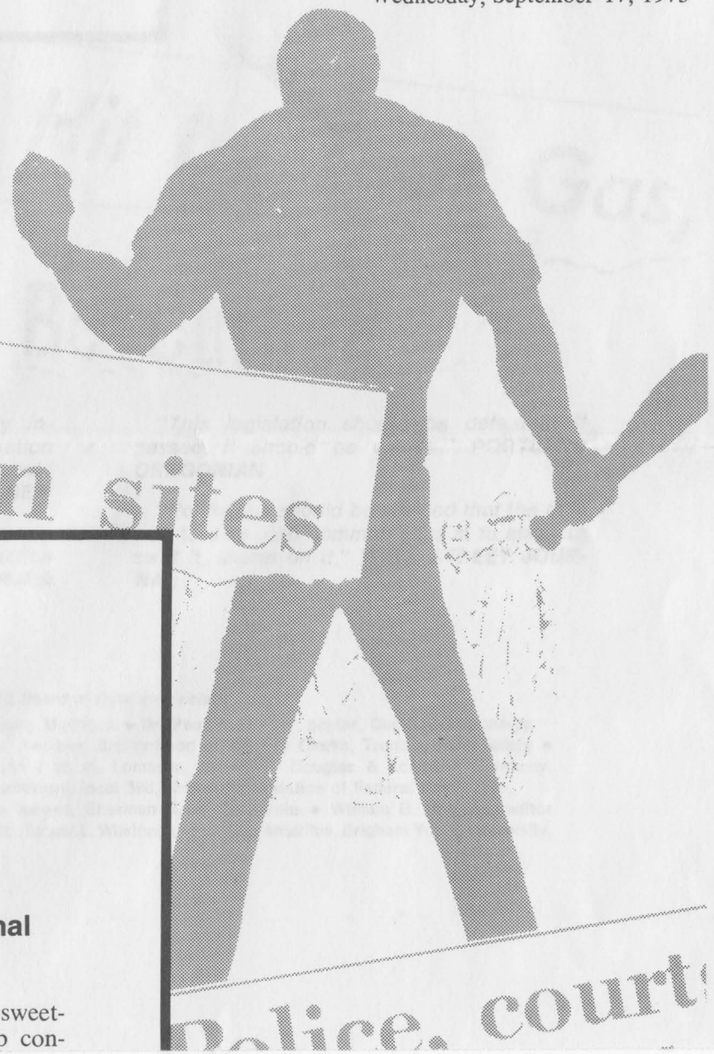
Hugh C. Newton

P.S. It is our expectation that the mail to the White House and to the Hill has really just begun.

attachments

HCN:lh

Advertisement
From **THE WASHINGTON POST**
Wednesday, September 17, 1975



'We hereby declare . . .war'

Violence disrupts construction sites

Unhampered. Unpunished . . . Union Lawlessness

Growing Problem

Labor disputes explode

Broken Nose and Arson Wi

Police, court

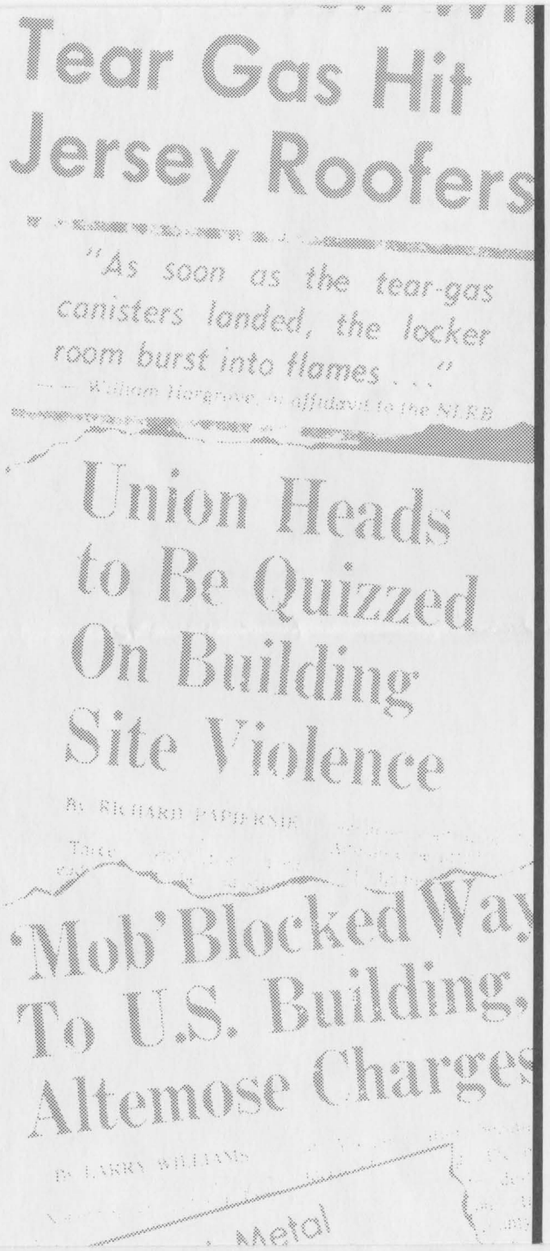
"Compulsory Unionism And Corruption Go Hand In Hand"

AN OPEN LETTER TO THE PRESIDENT AND CONGRESS

On Beatings, Bombings, Shootings, Arson And Other Violence In The Construction Industry . . . From The 400,000 Supporters of The National Right To Work Committee.

Sixteen years ago, racket busting Senator John McClellan said "Compulsory unionism

the "Common Situs" bill. The Dunlop sweeteners are attractive to big closed-shop con-



and corruption go hand in hand."

The meaning of that statement becomes clear when one takes even a casual look at the building trades unions—for here compulsory unionism is at its worst . . . and so is the corruption. Few other unions can match their shameful record. Few other unions are as scandal-ridden, mobster-tainted and violence prone.

In Washington's own version of Alice In Wonderland, officials of these very unions may soon be handed a vicious new weapon with which to enforce compulsory unionism: Legalization of "Common Situs" picketing.

The situation is serious. A "Common Situs" picketing bill has been quietly railroaded through the House of Representatives and will soon be considered by the Senate. The bill, if enacted and signed by the President, would give officials of the building trades unions power to shut down an entire construction project, involving dozens of contractors, because of a dispute—real or imagined—with even a single contractor. Shut it down by setting up a job site picket line that no construction worker, truck driver or delivery man in his right mind would dare cross.

The bill would legalize the ultimate in coercive picketing—power that even the bill's proponents admit would be used to drive nonunion workers off their jobs.

The basic question involved then is whether Congress is going to force even more Americans into corrupt and violent unions in order to earn a living. As the PHILADELPHIA INQUIRER said editorially recently. "A person's right to earn a living, whether in a union or non-union job, is the most fundamental of civil rights. It must not be surrendered to goons seeking to substitute force for law."

THE SMOKESCREEN

To make all of this palatable to Congress, Secretary of Labor John Dunlop, a long-time ally (and business partner) of building trades union officials and a promoter of compulsory unionism, has offered a "compromise" contractors and, predictably, devastating for individual employees, small businessmen and consumers.

If the situation weren't so serious, the spectacle of Congress and some of the most corrupt, ruthless and violence-prone union officials in the country teaming up with the Ford Administration would be comic.

THE ROOT OF THE PROBLEM

The root of the problem is simple—the National Labor Relations Act which for 40 years has authorized and encouraged compulsory unionism. That's bad enough. But in the construction industry the problems are compounded by even more special coercive powers which have been handed to building trades union officials. These include pre-hire contracts that allow the signing of compulsory unionism contracts without the permission of even one employee, exclusive union hiring halls and the requirement that all employees become "members in good standing" within seven days or lose their jobs.

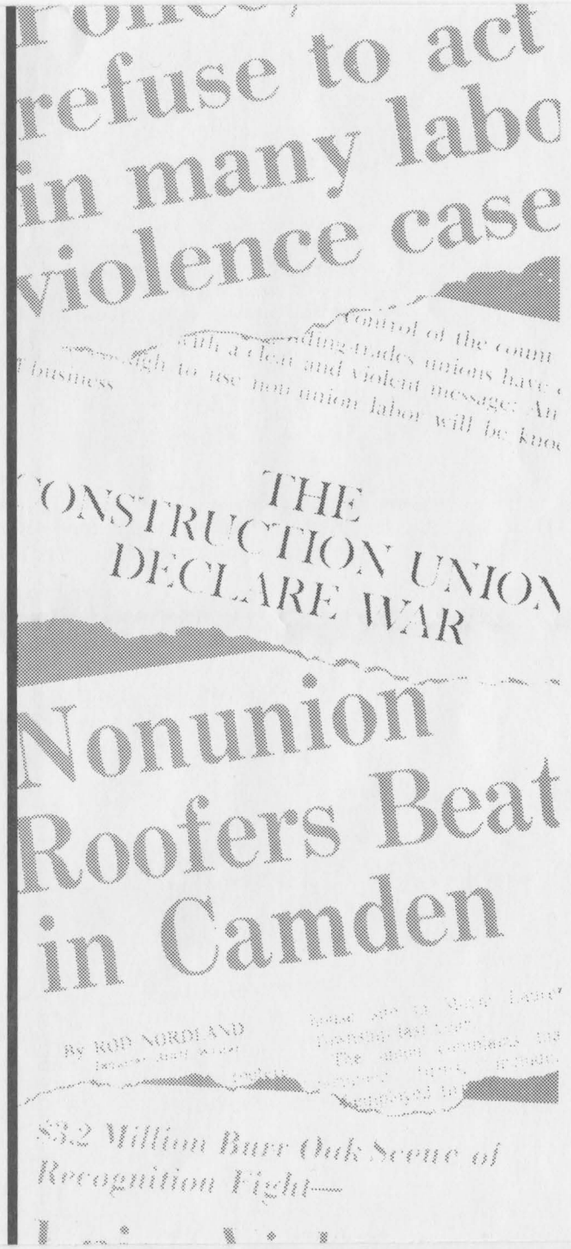
These and other concessions comprise a broad array of special privileges that have spawned a system of blackballing, cronyism and repression of individual rights unequalled in other industries.

Yet some members of Congress are claiming that all the "Common Situs" bill will do is "equalize the treatment of unions under the NLRA!"

WHO RUNS AMERICA?

The 400,000 supporters of the National Right To Work Committee do not believe the financial and political power of a handful of ambitious union officials should override the interests of the overwhelming majority of the American people—most of whom feel union officials already have "too much power" (70% according to a recent opinion study) and that union membership should be voluntary (68%).

Ours should be a government of the people, not of special interest groups.



struction industry legislative package that is nothing more than a smokescreen (described by the NEW YORK TIMES as "protective coloration") to divert public attention from

Reed Larson
Reed Larson
Executive Vice President

Maryland erupts into labor civil war

N. J. Roofers Hit by Tear Gas, Union Violence Must Be Curbed

"Take away those restrictions and it's likely that strikes will be more frequent, harder to settle and much costlier," ***SCRIPPS-HOWARD NEWSPAPERS***

"We hope President Ford will find the courage to exercise another veto," ***DENVER POST***

"(the bill) is an embarrassment to the labor movement and a threat to the nation at large," ***YOUNGSTOWN VINDICATOR***

"One hopes the Senate will wise up and kill this insidious move," ***LOUISVILLE COURIER-JOURNAL***

"(the) measure, which would vastly increase the ability of any single construction union to shut down an entire project, would simply encourage irresponsibility," ***NEW YORK TIMES***

"Situs picketing is an unfair labor practice that should not be legalized," ***MIAMI HERALD***

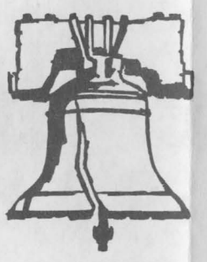
"This legislation should be defeated. If passed, it should be vetoed," ***PORTLAND OREGONIAN***

"Politicians should be advised that the only way to deal with common situs is to spray it, swat it, stamp on it," ***WALL STREET JOURNAL***

National Right To Work Committee

WASHINGTON HEADQUARTERS: 8316 Arlington Boulevard • Fairfax, Virginia 22030

A national coalition of more than 400,000 citizens from all walks of life dedicated to the belief that every American should have the right, but should not be compelled to join or pay money to labor organizations for the Right to Work.



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RIGHT TO WORK
NEWS
From the NATIONAL RIGHT TO WORK COMMITTEE
8316 Arlington Boulevard • Fairfax, Virginia 22030
TELEPHONE: 573-8550—AREA CODE 703

RELEASE UPON RECEIPT
CONTACT: Herb Berkowitz

AMERICANS OPPOSE "COMMON SITUS" PICKETING

WASHINGTON, DC, October 10 -- The administration-backed "common situs" picketing legislation (HR 5900 and S 1479), which opponents say will greatly increase construction industry violence, is opposed by more than two-thirds of the American people, including 57 percent of all union members, a public interest group reported today.

According to Reed Larson of the National Right to Work Committee, a recent survey by Opinion Research Corporation, Princeton, N.J. (CONGRESSIONAL RECORD, July 18, 1975) showed that 68 percent of the general public feel building trades unions "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site."

The survey showed that 72 percent of 30-39 year-olds opposed "common situs" picketing; 74 percent of the residents of smaller cities, and 72 percent of those people identified by the polling organization as "thought leaders."

The measure is being backed by President Ford, on the advice of Secretary of Labor Dunlop, as part of a construction industry collective bargaining "package." The other part of the package, Dunlop's Construction Industry Stabilization Act of 1975 (HR 9500), was approved last week by a House vote of 302-95.

The Right to Work Committee spokesman said passage of Dunlop's "smokescreen" legislation makes it "more important than ever to reject the vicious common situs bill."

Larson said the controversial picketing legislation, approved by the House this summer, is designed to drive "nonunion workers and open shop contractors off their jobs. Even the sponsors of the legislation admit this.

(MORE)

"If enacted by the Senate, and signed by the President, thousands of carpenters, electricians, plumbers, heavy equipment operators, laborers, cement masons, and other construction workers who presently are not union members will probably find it impossible to earn a living unless they agree, and are permitted, to join a union and abide by its rules.

"Workers who don't want to join an unwanted union, and employers who support their decision not to join, could be in for painfully hard times if the building trades unions record of bombings, beatings, and burnings is any indication."

Larson called on President Ford to "read the mail which has come into the White House on the issue."

According to reliable estimates, the White House has received nearly 200,000 letters and postcards from voters who oppose the "common situs" bill, more than on any other domestic issue. Congressional mail is reportedly running nearly 200-1 against the bill.

#####

#47 Sp. EP, WNS, MO2, MO3, MO6, MO7, MO8, M10, M13.KO1, KO2, KO3.

QUESTION LB10 71026 JANUARY 1975

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

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

RULE B -- THE UNION SHOULD BE ALLOWED TO PICKET THE WHOLE BUILDING SITE, EVEN IF IT STOPS WORK OF ALL OTHER CONTRACTORS AND EMPLOYEES

	NUMBER OF INTERVIEWS UNWTD	WTD	**** RULE **** A.	B.	NO OPINION
TOTAL FORM B PUBLIC	1022	3426	68	21	11
MEN	515	1676	65	27	8
WOMEN	507	1750	70	16	14
18 - 29 YEARS OF AGE	257	944	70	19	11
30 - 39	208	593	72	23	5
40 - 49	169	564	64	27	9
50 - 59	155	555	69	21	10
60 YEARS OR OVER	233	769	63	19	18
LESS THAN HIGH SCHOOL COMPLETE	329	1187	61	25	14
HIGH SCHOOL COMPLETE	358	1270	71	19	10
SOME COLLEGE	330	947	71	21	8
PROFESSIONAL	139	401	77	12	11
MANAGERIAL	127	387	70	21	9
CLERICAL, SALES	108	363	77	15	8
CRAFTSMAN, FOREMAN	192	662	65	26	9
OTHER MANUAL, SERVICE	216	819	62	31	7
FARMER, FARM LABORER	23	82	80	1	19
NON-METRO					
RURAL	95	339	61	17	22
URBAN	158	587	74	11	15
METRO					
50,000 - 999,999	317	917	72	23	5
1,000,000 OR OVER	452	1582	64	25	11
NORTHEAST	267	806	63	25	12
NORTH CENTRAL	299	983	67	22	11
SOUTH	313	1099	70	21	9
WEST	143	537	72	15	13
UNDER $5,000 FAMILY INCOME	175	850	60	23	17
$5,000 - $6,999	110	337	67	18	15
$7,000 - $9,999	180	512	61	26	13
$10,000 - $14,999	237	715	73	18	9
$15,000 OR OVER	293	929	75	21	4
WHITE	930	3063	69	21	10
NONWHITE	87	353	55	29	16
UNION MEMBERS	150	517	57	36	7
UNION FAMILIES	289	974	62	30	8
NONUNION FAMILIES	724	2419	70	18	12
THOUGHT LEADERS	130	375	72	23	5

0051

SEPTEMBER 1975

NATIONAL RIGHT TO WORK NEWSLETTER

Published by the NATIONAL RIGHT TO WORK COMMITTEE ☐ 8316 Arlington Blvd., Fairfax, Va. 22030

Vol. XXI, No. 9 September 26, 1975

"SITUS" PICKETING BILL DESIGNED TO DRIVE NON-UNION WORKERS FROM JOBS

Educators Will Fight Compulsory Unionism

The National Right to Work Committee has announced formation of a prestigious new educational coalition which will take dead aim at one of the most serious threats to academic freedom in America today —compulsory unionism.

Like the Right to Work Committee itself, the new organization, "Concerned Educators Against Forced Unionism" (CEAFU), supports the right of teachers to join unions, but feels no one should be forced to do so.

The new organization is headed by a 115-member advisory board which includes many of the country's leading educators.

Advisory board member Leon Knight, an English teacher at a Minnesota community college, and a state Democratic Party activist, summarized CEAFU's position like this: **". . . if they** (union officials) **can determine not what I teach in the classroom, but whether I teach at all, that is the ultimate threat to academic freedom."**

That threat, according to CEAFU spokesman Susan Staub, has only been heightened by the recent wave of illegal teacher strikes. "The strike frenzy," she said, "is an integral part of Big Labor's strategy to force Congress into passing public sector labor legislation which would further promote compulsory unionism among public employees."

Among the many advisory board members—representing all levels of education—are: **Dr. Yale Brozen,** professor of business, University of Chicago; **Dr. John Hospers,** chairman of the philosophy department, University of Southern California; **Dr. Edwin Klotz,** superintendent of schools, Newburgh, N.Y.; **Dr. Richard Koeppe,** superintendent of schools, Englewood, Colo.; **Dr. Mildred M. Alexandra Landis,** professor emeritus, art, University of Miami; and **Dr. Abner McCall,** presi-

(Continued on page 3)

Legislation openly designed to give construction union officials the power to drive non-union workers from their jobs is being railroaded through the Congress and is given a good chance of reaching President Ford's desk.

With the Ford Administration backing off from its earlier commitment to veto the dangerous legislation, public action is needed now!

Citizens who believe that employers who refuse to force their employees into unwanted unions should not be subject to coercive union picketing are urged to write immediately to President Gerald R. Ford, The White House, Washington, D.C.

The Right to Work Committee hopes to generate at least 50,000 letters to the President by mid-October. NEWSLETTER readers also are urged to write to their Senators and Representatives.

CALLED "COMMON SITUS"

The so-called "common situs" picketing bills, H.R. 5900 in the House, and S. 1479 in the Senate give vast new powers to officials of the building trades unions—new powers to the one group already privileged by federal law to use more vicious coercive tactics than any others.

According to Reed Larson, executive vice president, the outrageous measure has just one purpose, "to give added muscle to some of the most corrupt, ruthless, and violence-prone union bosses in the country."

This would be accomplished by authorizing building trades union pickets to shut down an entire construction site because of a dispute with a single sub-contractor. Usually, such disputes involve the hiring of construc-

(Continued on next page)

Also Inside

"SITUS" BILL

(Continued from page 1)

tion workers who have chosen not to work for closed-shop contractors.

The inevitable result would be that contractors would be forced to hire only union members in order to stay in business.

A spokesman for the National Society of Professional Engineers, whose members often are employed on construction jobs, warned that enactment of the bill would give union bosses a "death grip" on the entire industry —and the people employed in the industry.

COMPULSORY UNIONISM

The root of the problem, of course, is the National Labor Relations Act, which authorizes and encourages compulsory unionism. In the construction industry the problems are compounded by various other special privileges which have been granted to building trades union officials, including their authority to assign all work through their usually-discriminatory hiring halls, and the power to demand "membership in good standing" in their unions. (In other industries, the courts have ruled, *only* the compulsory payment of dues can be required from wage-earners who refuse to voluntarily join unions.)

As a result of those extraordinary powers of compulsion, Larson said, "Few other unions can match their shameful record for the consistent use of beatings, bombings, shootings, arson, and other acts of violence against individual workers, and employers who refuse to blackball non-union employees."

The question here, he said, is whether Congress is going "to force even more Americans to join scandal-ridden, violence-prone unions in order to earn a living."

As the PHILADELPHIA INQUIRER said, after an epidemic of lawlessness against construction workers earlier this year, "A person's right to earn a living, whether in a union or non-union job, is the most fundamental of civil rights. It must not be surrendered to goons seeking to substitute force for law."

The "situs" picketing bill would give any building trades union the power to shut down an entire construction project, involving dozens of contractors, because of a dispute (real or imagined) with even a single contractor—shut it down by setting up a job site picket line that no construction worker, truck driver, or delivery man in his right mind would dare cross.

"H.R. 5900 and S. 1479 would legalize a brand new package of coercive powers," Larson warned, "Powers which even the bills' proponents admit would be used to drive workers unaffiliated with unions off their jobs. "It must be stopped."

Write your Congressmen, Senators, and President Ford today! (And please send a copy to Andrew Hare, Vice President for Legislation, 8316 Arlington Boulevard, Fairfax, Va. 22030).

The Nation's Press and "Common Situs"

MIAMI HERALD—"It is our view that organized labor in the private sector of the economy has the right to walk off the job when there is dissatisfaction over wages or working conditions. This is a free country and there is no forced labor. But there should not be a right to prevent other people from working when those other people have no beef with their employer," August 11, 1975 . . . **YOUNGSTOWN VINDICATOR**—"The hard hats' pet legislation—despite a number of qualifications which disguise its fundamental thrust—is designed to give trade unions the power to influence hiring, firing and other crucial decisions in the domain of a free enterprise management," July 21, 1975 . . . **ARIZONA REPUBLIC**—". . . if H.R. 5900 and S. 1479 are passed, the union will be able to cause untold injury to a dozen or two employers, who have no connection with it and no quarrel with it, who simply are innocent bystanders. That is the purpose of these bills—to force the innocent bystanders to become allies of the union. The bills are an unconscionable power grab by the building trades unions," July 28, 1975 . . . **JEFFERSON CITY (MO.) POST-TRIBUNE**—"What Congress ought to do, instead of writing the construction unions a blank check, is direct a crack-down on violence and other acts which deny those who choose not to join a union equal protection under the law," July 1, 1975 . . . **DENVER POST**—"Unions . . . do not deny that a major aim is to force out non-union workers. If a contractor hires 10 subcontractors and one of these is non-union it is expected the other subcontractors will have a strike on their hands. The blackmail effect is obvious," August 8, 1975 . . . **BOISE (IDAHO) STATESMAN**—"What infuriates the construction unions is that subcontractors at a site can hire nonunion help. . . . Never mind the fact that not everybody wants to or should be forced to join a union in order to have a job and earn a living. The construction unions won't be satisfied until they can control the entire construction site—able to tie up or slow down the project at will, able to exclude those who voluntarily choose not to belong to unions, able to virtually dictate wages and working conditions," August 3, 1975. . . . **PORTLAND OREGONIAN**—"If the ban on secondary boycotts is abolished, general contractors will find that unions will be able to dictate which subcontractors they can do business with—leading to certain demise of the open-site or merit-site system in which union and non-union contractors work side by side. Construction workers, on their part, will have their freedom to choose between union and non-union employers eroded," July 19, 1975.

NATIONAL RIGHT TO WORK NEWSLETTER is published monthly by the National Right to Work Committee, 8316 Arlington Blvd., Fairfax, Va. 22030. Subscription: $2.00 annually. Vol. XXI, No. 9, September 26, 1975. Second-Class postage paid at Fairfax, Va., and additional mailing offices.

Commentary

Mr. Gildea and the Art of Gentle Persuasion

The U.S. Postal Service, in a classic cop-out, has given postal union officials a green light to heap ridicule, coercion, and abuse upon postal workers who won't voluntarily join their unions.

On its face, the ruling by assistant postmaster general William Gildea simply allows the posting on union bulletin boards of the names of employees who are not union members. (The 1970 postal reorganization act contains a no-nonsense Right to Work provision guaranteeing all postal service employees the right to participate in or refrain from union activities).

Though innocent-enough sounding, Gildea's ruling must be viewed in context, because only last year—in a case involving one of the giant postal unions—the U.S. Supreme Court ruled that union organizers have a special "license" to all but crack heads in the name of organizing.

Wrote Justice Thurgood Marshall, speaking for the court majority, *". . . Federal law gives a union license to use intemperate, abusive, or insulting language without fear of restraint or penalty if it believes such rhetoric to be an effective means to make its point."* Gildea's ruling gives union organizers the right to publish a list of targets.

For years, the bosses of the construction trades, mine, and teamsters unions have found such organizing methods most effective. Now, apparently, it's the postal unions' turn. Asked FEDERAL TIMES, "Is it possible the postal service is handing the exclusive unions by fiat what they cannot gain through the legislative process?" Possible indeed!

NEWSLETTER readers are urged to pass on their opinion to James C. Gildea, Assistant Postmaster General, Labor Relations Department, U.S. Postal Service, Washington, D.C. 20260.

An Editorial

FEDERAL TIMES
August 20, 1975

Taking Names

THE U.S. POSTAL Service is now permitting locals of the four exclusive unions to post the names of non-members on post office bulletin boards.

The rationale of Assistant Postmaster General James C. Gildea is that such action is not clearly illegal.

We wonder. An opinion by postal service lawyers says in part:

"While the legality of the disputed postings would likely raise a close legal question if presented to the National Labor Relations Board, we have found no authority which suggests that the NLRB has already concluded that the mere public listing of non-members' names by a majority union violates the National Labor Relations Act."

Gildea stands on weak legal ground, it seems to us. But even if the law allowed this strictly gratuitous appropriation of one's right to privacy, we would oppose the postal service.

Gildea holds that the publication of non-member names is a somehow neutral exercise. We most emphatically believe that it subjects these persons to ridicule and the disapprobation of their fellow employees.

Obviously those locals that are engaged in giving notoriety to non-members do so for one reason. They are intent on compelling them to join up.

And we would remind Mr. Gildea that the law clearly forbids the application of force in union recruitment. The union shop is barred in the federal establishment.

Is it possible that the postal service is handing the exclusive unions by fiat what they cannot gain through the legislative process?

TEACHERS

(Continued from page 1)

dent of Baylor University.

Also **Mrs. Charles Mellon,** chairwoman of the National Committee on the Crisis in Education; **Dr. Gerhardt Niemeyer,** professor of government, Notre Dame University; **Rabbi Dr. Jakob Petuchowski,** professor of Jewish theology and liturgy, Hebrew Union College; **Dr. Hans Sennholz,** chairman of the economics department, Grove City College; **Dr. Seymour Siegel,** professor of theology, Jewish Theological Seminary of America; **Dr. Ernest van den Haag,** New School for Social Research, and **Dr. Eliseo Vivas,** professor emeritus, philosophy, Northwestern Illinois University.

Co-chairmen of the board are **Neil S. Bishop,** former high school principal and long-time chairman of the Maine senate's education committee, **Fred Glahe,** professor of economics at the University of Colorado, and **Shirley Schaaf,** a classroom teacher and president of the Kansas City (Mo.) Education Association.

For more information contact Mrs. Staub at 8316 Arlington Blvd., Fairfax, Va. 22030.

Some Things You Just Can't Ignore

MORE BAD NEWS FOR COMPULSORY UNION STATES

Wage-earners in the 31 states where union officials rule the roost through compulsory unionism had better dig in for more hard times. Or so it would appear from another in a series of economic studies showing that the disasterous recession gripping the U.S. has struck hardest at the 31 states where forced unionism is permitted.

The new report, released at press time, shows that the 19 Right to Work states, though accounting for only 30 percent of the country's population, gained nearly 60 percent of the new manufacturing jobs during the past decade. The exact figures were 1,635,900 new manufacturing jobs for the states guaranteeing freedom of choice, and 1,361,900 for the states where workers can be fired for not supporting unwanted unions. (The 1973 figures, shown below, are the most recent available from the Bureau of Labor Statistics and Department of Commerce.)

The new data come on the heels of earlier studies (see June and July NEWSLETTERS) showing that:

1) The rate of unemployment in the compulsory unionism states has been nearly 50 percent higher than the rate in the Right to Work states for the past five years. In 1974, the Right to Work states averaged 4.6 percent unemployed; the compulsory unionism states averaged 6.3 percent.

2) The cost of living remains lower, generally, in the Right to Work states, than the other 31 states.

DETAILS

In dollars and cents terms, the dramatic increase in manufacturing jobs—*part of a continuing trend*—means that in 1973 there were more than 1.6 million workers in the Right to Work states employed in manufacturing jobs which *didn't even exist* ten years earlier. Wages paid the new employees amounted to more than $12 billion in 1973 alone!

Texas maintained its position as the national leader by gaining a spectacular 281,400 new jobs. While none of the Right to Work states showed a net loss of manufacturing jobs, four of the compulsory unionism states did: New York 187,700; Massachusetts 43,600; Maryland-D.C. 7,300, and Hawaii 800.

(Continued at right)

Net Increases in Manufacturing Jobs, 1963-73

RIGHT TO WORK STATES

1. Texas	281,400	11. Iowa	62,200
2. North Carolina	230,000	12. Arizona	50,500
3. Tennessee	177,800	13. Kansas	44,200
4. Florida	143,800	14. Nebraska	23,400
5. Georgia	132,300	15. Utah	9,300
6. South Carolina	105,500	16. South Dakota	5,600
7. Virginia	103,200	17. Nevada	4,500
8. Alabama	101,100	18. North Dakota	4,200
9. Mississippi	84,300	19. Wyoming	1,200
10. Arkansas	82,000	**TOTAL**	**1,635,900**

NON-RIGHT TO WORK STATES

1. California	231,900	17. Idaho	14,800
2. Michigan	200,500	18. Delaware	13,400
3. Ohio	191,500	19. New Mexico	10,300
4. Indiana	144,500	20. New Hampshire	10,100
5. Illinois	119,800	21. Rhode Island	8,300
6. Kentucky	102,100	22. Vermont	6,100
7. Minnesota	89,200	23. West Virginia	4,100
8. Pennsylvania	77,000	24. Alaska	3,300
9. Wisconsin	68,600	25. Maine	1,600
10. Missouri	60,700	26. Montana	1,500
11. Oklahoma	59,200	27. Connecticut	100
12. Oregon	51,800	28. Hawaii	—800
13. Colorado	41,100	29. Maryland-D.C.	—7,300
14. Louisiana	38,700	30. Massachusetts	—43,600
15. New Jersey	33,200	31. New York	—187,700
16. Washington	21,800	**TOTAL**	**1,361,900**

Source: Bureau of Labor Statistics, U.S. Department of Labor

ECONOMICS

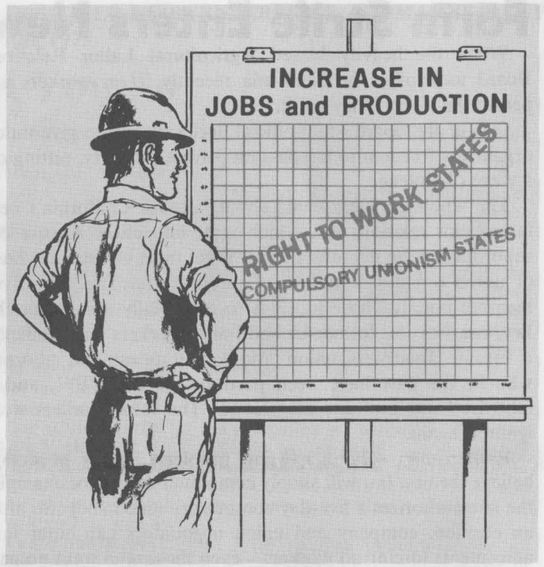
(Continued from page 4)

National Right to Work Committee vice president for research Charles Bailey said that while the issue remains one of "individual freedom," the economic benefits "just can't be ignored."

He said the value of Right to Work laws to the wage-earner were best explained a couple of years ago by Velton Clark, administrator of Teamster Local 492 in Albuquerque. (Clark was later "taken care of" in typical Teamster fashion for opposing the top brass.)

Said Clark in a letter to members of the state legislature, *". . . where Right to Work laws exist and individual employees have a choice, the unions, through their elective and appointive officials, business agents and other representatives, have to get off their duffs and do a better job representing their members than is the case in a state . . . which does not have a Right to Work law, and the unions don't have to produce results and satisfaction to their members to . . . voluntarily attract their membership and financial support."*

For a copy of the new report, "some things you just can't ignore," write: Information, National Right to Work Committee, 8316 Arlington Blvd., Fairfax, Va. 22030.



Discrimination Continues

"Alternatives" Suggested To United Way of America

Despite a flood of protests, United Way of America (801 N. Fairfax St., Alexandria, Va. 22314) is no closer today than it was a year ago to amending its discriminatory "Memorandum of Understanding" with AFL-CIO officials.

As a result, the National Right to Work Committee is urging its 400,000 supporters to consider "alternatives" to United Way. "We regret having to do so," said executive vice president Reed Larson. "We will continue to urge our employees and supporters to voluntarily support all worthwhile charities, regardless of their affiliation with United Way.

"However, we feel it is our obligation to stand up for the principles we believe in. Not only has United Way violated those principles, it appears reluctant to either admit its mistake or take corrective action."

In the controversial "Memorandum of Understanding," officials of United Way of America promise to "purchase, whenever available, only union made goods and services." Details of the pact were published in the November 1974 NEWSLETTER. Since then, hundreds of United Way contributors—including some local United Way officials—have formally protested United Way of America's policy of discriminating against the three-fourths of the labor force which is not affiliated with organized labor.

Just recently, it was learned that the "Memorandum of Understanding" has been in effect for some 30 years.

An Editorial

LYNCHBURG (VA.) NEWS
August 18, 1975

Not Required

Compulsory unionism is not required for unions to prosper. The proof lies in those 19 states, including Virginia, which have Right to Work laws forbidding compulsory union membership as a condition for holding a job.

Congressman Charles E. Grassley of Iowa recently called attention to the progress of unions in Right to Work states. During the decade ending in 1972, AFL-CIO unions in the 19 RTW states collectively gained 714,000 members.

In the remaining 31 states, the AFL-CIO gained only 830,500 members.

The average gain in the RTW states was 35,579; the average gain in the compulsory union states was 26,790.

As Congressman Grassley noted, these figures show that employees will *voluntarily* join and support labor organizations which merit it.

Farm Strife Enters New Phase . . .

When the heavily biased Agricultural Labor Relations Board took office in California recently, farm workers expected the worst. They got it.

One of the board's first official decisions was to give union organizers freedom to trespass on private property, setting off a wave of violence.

The whole problem came about because California's new farm labor relations act, which went into effect August 28, subordinates the interests of individual farm workers to those of union organizers and large corporate farmers. The five-member board, whose job it is to impartially administer the law, consists of a former United Farm Workers union official, a former Teamsters union attorney, a priest and attorney who in the past have been partisans of the UFW, and a lobbyist for a growers' association. The farm workers were ignored again.

Rather than solving existing problems, many observers believe the new law will simply compound them. For example, the law authorizes a five-day compulsory union shop. So after an election, company and union negotiators can enter into agreements forcing all workers—even those who want no part of the union—to join the victorious union or lose their jobs.

"Evidently, Governor (Edmund) Brown never intended to set up an even-handed system of farm labor relations," commented a disgusted W. B. Camp of Bakersfield, a grower and member of the National Right to Work Committee's board of directors. "The law was written in conference with union officials and some growers who hoped to buy 'labor peace' by knuckling under to union demands. Individual farm workers—whose rights the law is supposed to protect—were excluded from the legislative negotiations, just as they are excluded from representation on the new Board."

Letters To The Editor

THE WASHINGTON POST
August 14, 1975

Unions vs. Workers' Wishes

For once, we'll take United Farm Workers union officials at their word. Mrs. Stephanie Caiola told a Washington Post reporter (July 27) that the union has "had trouble organizing the workers and so we've been concentrating on organizing consumers . . . on the boycott."

Think about it. The union that claims to represent California's 250,000 farm workers admits that it can't get the workers themselves to support their union (nothing has changed in ten years). So, they've organized a consumer boycott to force the producers to force the workers back into the union that organizers can't get them to join voluntarily.

It's time that some enterprising reporter put some hard questions to Senor Chavez . . . and more important, time to start looking at this decade-old controversy from the point-of-view of the workers. After all, they're what it's all about.

Herb Berkowitz,
National Right to Work Committee.
Fairfax.

IN OHIO, NEW JERSEY

Former Sen. Frank J. Lausche, who is also a former five-term governor of Ohio, discusses mounting grass-roots opposition to Ohio Senate Bill 70, legalizing compulsory unionism for public employees, with Right to Work Committee executive vice president Reed Larson (right). Lausche warned that enactment of S.B. 70 "would undermine orderly and responsible government in even the smallest locality, make a mockery of human rights and our claims of freedom, and further prove costly to Ohio citizens in terms of higher taxes and disruption of services." Similar opposition to compulsory public sector unionism in New Jersey, spearheaded by Democratic Senate President Frank Dodd (Essex County), has resulted in postponement of a Senate vote on Assembly Bill 524 until after the state's November election.

Syndicated Nationally by the National Right to Work Committee

FULTON (MO.) KINGDOM DAILY NEWS NEWTON (N.C.) OBSERVER-NEWS-ENTERPRISE ST. MARYS (PA.) PRESS
August 22-28, 1975

We Told You So

(EDITOR'S NOTE: The following editorial was written by Reed Larson, executive vice president of the National Right to Work Committee. His column appears in several hundred newspapers.)

Following the recent strike by sanitation workers, which spilled more than 30,000-tons of filth into city streets, a New York Times telephone survey found that half of New York's residents felt that municipal unions have "too much power."

Only 6.7 percent of the people questioned said that municipal union officials had "not enough power."

How much power is "too much" or "not enough" is, of course, a subject which could be debated endlessly. Not subject to debate are the facts that New York's economy came close to going under and that, to one degree or another, the insatiable demands of the city's municipal union bosses contributed to this. Not subject to debate is the fact that when a group of disruptive individuals is capable of bringing an entire city to a standstill, to its knees, something is seriously wrong. One pundit called it insurrection. We rather think of it as the culmination of years of foolish public policy in which elected city officials, in bits and pieces, gave to union bosses a vast array of special privileges which are now being exploited to threaten the very fabric of society — not only the sovereignty of the elected government, but the rights and freedoms of every taxpayer and every public servant.

It's a monster that was created, not born.

Obviously, Americans in every town and borough across the country, no matter how large or small, have a personal interest in seeing that New York's problems do not become their own.

It's to them, the more than 200 million non-New Yorkers that Ralph de Toledano should have dedicated his new book, "Let Our Cities Burn" (Arlington House, New York, $7.95).

As a former union publicist — now one of the country's leading political analysts — Toledano knows as well as anyone where to draw the line between "too much" and "not enough" union power.

And, he says, when that power is concentrated in the hands of a small, inbred, nonrepresentative, and virtually unchecked minority, it's too much.

The key to that power, the author concludes, citing innumerable examples, is compulsion . . . several compulsions, in fact.

First, the compulsion to force unwilling workers to accept unwanted union representation (called "exclusive representation") strips individual wage-earners of the right to represent their own best interests, and fuels the growth of monolithic labor organizations by eliminating free competition among unions.

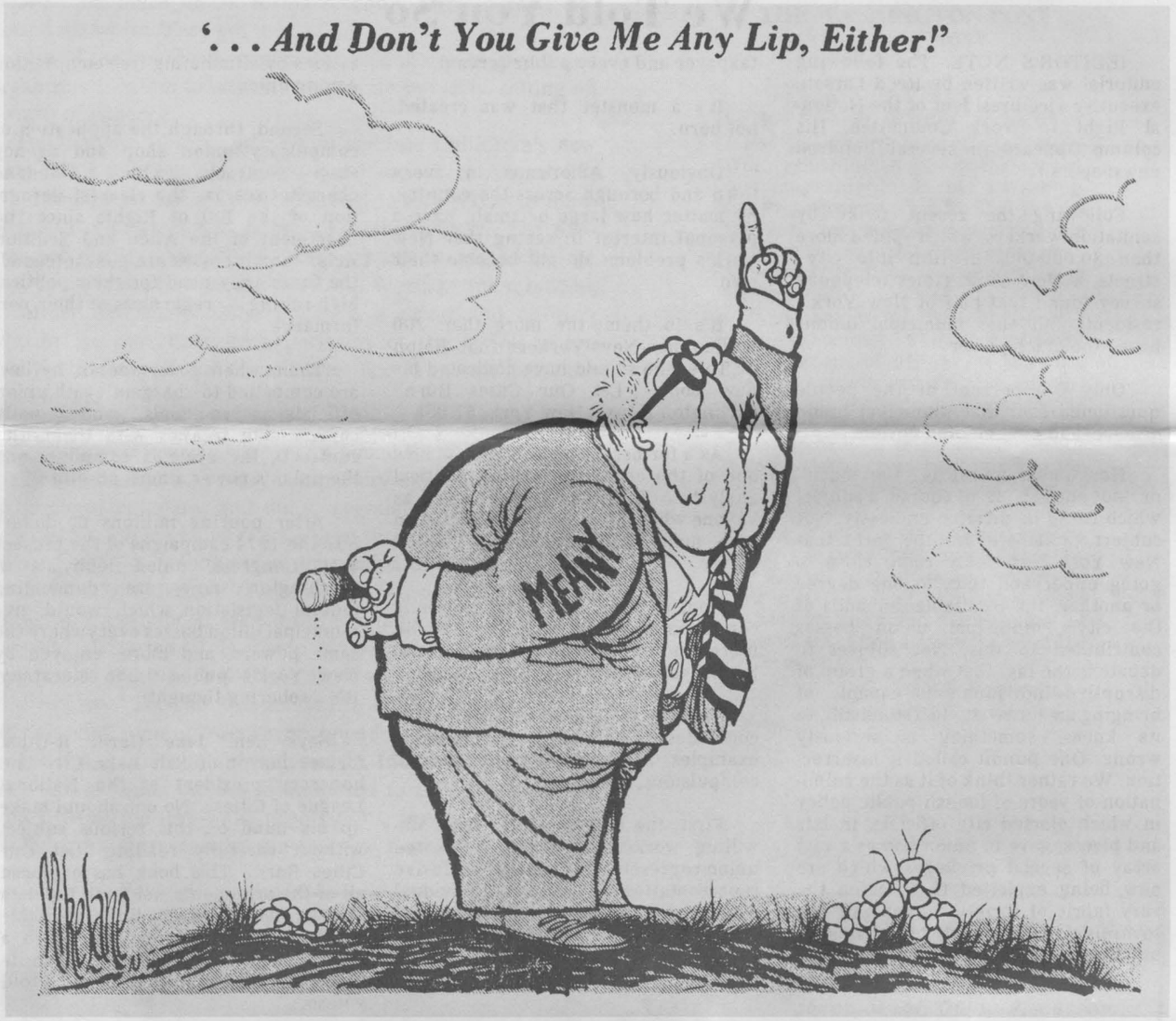
Second, through the application of compulsory union shop and agency shop contracts, which Toledano characterizes as "the clearest derogation of the Bill of Rights since the enactment of the Alien and Sedition Acts," union bosses are guaranteed all the funds they need for their political high-rolling — regardless of their performance.

Then, when governments, by law, are compelled to "bargain" with union officials as "co-equals," and actually consummate treaties with them (the contract), the cycle is complete, and the union's power almost absolute.

After pouring millions of dollars into the 1974 campaigns of the present 94th Congress, union lobbyists in Washington now are demanding federal legislation which would give municipal union bosses everywhere the same powers, and more, enjoyed by New York's public union hierarchy. It's a sobering thought.

Says Sen. Jake Garn, R-Utah, former mayor of Salt Lake City and honorary president of the National League of Cities, "No one should make up his mind on this serious subject without carefully reading 'Let Our Cities Burn.' This book has explored all of the arguments, set forth the data clearly, and drawn the inevitable conclusions. If we enter into such a policy, and disaster follows, Ralph de Toledano will be entitled to say, I told you so.' "

BALTIMORE SUN
August 20, 1975



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SPEED SERVICE

Mr, John C, Vickerman, Director
Business and Trade Associations
The White House
Washington, D.C,

THE WHITE HOUSE

WASHINGTON

1) want continuing dialogue -
Admin wants to hear all viewpts -

2) Tone & direction of Pres - concerned area -
Concerned - Pres won't restate former opposition
B) - Usery Statement -
c) Sea labor - lack of concern for non-union workers -

3) '66 - 60 vtd Repeal 14-B - defeated

What's a good Bill -

1) don't give ~~away store~~ up before issue is joined - "no comp"

Should take a "Sound Position"
Not be compelled to bid w/D
" " rqd to join D -

Good Chance for no Bill this year -

Not going anywhere in States -
Momentum is spent.
Dead unless FA backs it alert.

THANK YOU JOHN.

BEFORE GETTING INTO THE "MEAT" OF OUR SESSION, LET ME TAKE A FEW MINUTES TO SET THE STAGE FOR A DISCUSSION OF PUBLIC SECTOR BARGAINING LEGISLATION BY DESCRIBING THE COMMITTEE -- WHO WE ARE, WHAT WE DO AND SO ON.

THE NATIONAL RIGHT TO WORK COMMITTEE WAS FOUNDED IN 1955 -- 20 YEARS AGO LAST JANUARY BY A GROUP OF EMPLOYEES AND EMPLOYERS. WE ARE 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.

FROM VERY HUMBLE BEGINNINGS, THE COMMITTEE HAS GROWN INTO A DYNAMIC AND AGGRESSIVE ACTION-ORIENTED CITIZENS COALITION WITH MORE THAN 200,000 SUPPORTERS, OF WHICH 90,000 ARE FINANCIAL CONTRIBUTORS -- A FORCE THAT ONLY LAST WEEK UNION OFFICIALS CREDITED -- ACCORDING TO FEDERAL TIMES -- WITH "ABORTING A LEGISLATIVE DRIVE TO LAUNCH THE AGENCY SHOP IN THE U.S. POSTAL SERVICE."

THAT 90,000 FIGURE IS EXPECTED TO HIT 100,000 BY JULY 1.

BY THE WAY, LET ME QUICKLY CLEAR THE AIR ABOUT THE COMMITTEE -- WE ARE COMPLETELY AND TOTALLY INDEPENDENT AND HAVE NO CONNECTION IN ANY WAY WITH ANY BUSINESS GROUP. IN FACT, IN RECENT YEARS, WE OPPOSED VARIOUS LEGISLATIVE POSITIONS OF SUCH ORGANIZATIONS AS THE CHAMBER OF COMMERCE OF THE U.S., THE AMERICAN FARM BUREAU AND BUSINESS ROUND TABLE. WE ARE TRULY AN INDEPENDENT CITIZENS LOBBY. OUR 90,000 MEMBERS PROVIDE THE COMMITTEE WITH AN OPERATING BUDGET OF MORE THAN $2,000,000 A YEAR. TO EMPHASIZE THE GRASS ROOTS NATURE OF THE ORGANIZATION, LET ME POINT OUT THAT OUR AVERAGE CONTRIBUTION IS ABOUT $20.00 WITH THE LARGEST SINGLE CONTRIBUTION BEING ONLY $5,000.

Most Republicans know of the Committee for its leadership in opposing the repeal of Section 14(b) of the Taft-Hartley Act back in 1965-1966. That effort culminated in a successful Republican-led filibuster by Senator Everett Dirksen -- an action he later described as his most satisfying personal contribution to domestic legislation.

But the Committee is more, far more than 14(b).

During the past decade we have been largely responsible for defeating efforts to impose compulsory unionism on farm workers, postal workers and public employees at all levels of government and more recently in opposition to compulsory public sector collective bargaining for public employees.

We are also vitally concerned with the tone and direction of Presidential and Congressional leadership, as it relates to legislation affecting the individual rights of the working man. Thus our concern over the failure of President Ford to respond to our request for a confirmation of his previous opposition to compulsory unionism; thus our concern with the attitude of the Secretary of Labor toward "non-union" employees; thus our concern with the administration having one of its special assistants (and a former union official) announce that the administration is seriously thinking of backing compulsory collective bargaining for Federal employees.

Finally, let me stress that the Committee is non-partisan, supports no political party and endorses no political candidates. At the same time, it is worth remembering that back in 1966 in every race where repeal of 14(b) was a major issue, voters rejected candidates who favored repeal -- some 60 members of the House who had voted for repeal in 1965 were not re-elected in the fall of 1966.

AND IN 1970 -- DESPITE THE SUPPORT OF THE NIXON ADMINISTRATION, THE AFL-CIO AND SOME BUSINESS GROUPS -- THE HOUSE OF REPRESENTATIVES REFUSED TO PASS A POSTAL REORGANIZATION BILL IF IT INCLUDED FORCED UNIONISM. THE HOUSE VOTED 226-159 IN A RECORDED VOTE FOR RTW.

THAT'S A BRIEF BACKGROUND OF THE COMMITTEE, ITS PAST RECORD AND CURRENT CONCERNS. HERE TODAY IS REED LARSON, EXECUTIVE VICE PRESIDENT OF THE COMMITTEE WHO WILL DISCUSS OUR CONCERN ABOUT CURRENT LEGISLATION INVOLVING PUBLIC EMPLOYEES AND ANDY HARE, OUR LEGISLATIVE LIAISON WHO WILL DISCUSS THE CURRENT STATUS OF THAT LEGISLATION AND PARTICULARLY ACTION AT THE STATE LEVEL.