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Not Another Lost Cause!

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In substantial support of Mr. Fitzpatrick's article are the book by Father Keller which is here reviewed and the article by Father Falque which follows.

NOT ANOTHER LOST CAUSE!*

THIS IS A MOST WELCOME BOOK for two reasons. First, it presents such lucid arguments for voluntary unionism that the opponents of "Right-to-Work" laws are left with nothing but the exhaust of their bombast; second, this book puts the record straight on the attitude of the clergy on this schismatic right-to-work issue.

To understand the rationale of the laws of 17 states in the southern part of the United States, one must realize that the enactment of Section 8(a)(3) of the Taft-Hartley Act, while aimed at giving compulsory unionism the power to lift itself by its own bootstraps, did not destroy voluntary unionism. Rather the Taft-Hartley Act by Section 14(b) encouraged the enactment of laws for the protection of the freedom of those who did not care to associate involuntarily or otherwise with a labor union.

This is the section which unionists contend must be repealed. It is the main pole of the tent. Pursuant to this section, 17 sovereign states have enacted "Right-to-Work" laws. Laity and clergy alike have charged immoral motivation in their enactment, and the laws have also been charged with creating an immoral free-rider situation, but the unionists' argument regarding "union busting" motivation, free-riders and economic freedom, like the walls of Jericho, come tumbling down before Father Keller's trumpet blasts of logic. The author cites the recently enacted Utah law as typical of the laws of the other 16 states:

> Section 8. No employer shall require any person to become or remain a member of any labor union, labor organization or any other type of association as a condition of employment or continuation of employment by such employer.
>
> Section 9. No employer shall require any person to abstain or refrain from membership in any labor union, labor organization or any other type from membership in any labor union, labor organization or any other type of association as a condition of employment or continuation of employment.[1]

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*A review of *The Case for Right-to-Work Laws,* by Rev. Edward A. Keller, C.S.C. The Heritage Foundation, Inc., Chicago, Ill. 1956. Pp. 128. $1.50.

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[1] UTAH CODE ANN. §§34-16-8, 34-16-9 (1955).

It is charged that the enacting motivation of "Right-to-Work" laws is "union busting." But how can it be said that these laws are aimed at destroying unions when they do not require employees to abstain or refrain from membership in a union? Stated positively, the states have embarked upon a legislative program designed to afford protection to voluntary unionism in the same manner in which involuntary or union shop unionism is protected.

Voluntary unionism could have no better champion than Samuel Gompers. The author quotes extensively from the "Grand Old Man's" last address as president of the American Federation of Labor:

> "It was a voluntary coming together of unions with common needs and common aims. That feeling of mutuality has been a stronger bond of union than could be welded by an autocratic authority. Guided by voluntary principles our Federation has grown from a weakling into the strongest, best organized labor movement of all the world. . . .
>
> ". . . I want to urge devotion to the fundamentals of human liberty—the principles of voluntarism. No lasting gain has ever come from compulsion. If we seek to force, we but tear apart that which, united, is invincible. . . .
>
> ". . . I want to say to you, men and women of the American Labor movement, do not reject the cornerstone upon which labor's structure has been builded—but base your all upon voluntary principles and illumine your every problem by consecrated devotion to that highest of all purposes—human well-being in the fullest, widest, deepest sense."[2]

"Yes, but . . ." say the opponents of "Right-to-Work" laws, "that creates an unfair situation by saddling a collective bargaining agent with a group of free-riders because, under the Taft-Hartley Act, the agent is required to bargain for all employees—those who are and those who are not members.

Father Keller replies:

> Union leaders stress this argument of being forced to "service" non-union workers under the principle of "exclusive representation." What is not told is that "exclusive representation" was fought for strenuously by the unions, on the ground that if they did not bargain for the non-union workers, the employer could use favoritism toward the non-union workers as a means of weakening or destroying the union. In all fairness, therefore, it should be pointed out that the non-union workers in an open shop today are not "free-riders" but forced riders, since under the Taft-Hartley Act they lose their right to bargain individually with their employers and are forced to bargain through the union.[3]

Union security clauses may be an effective way to exercise the right of unionism but they are not a necessary means. No one has proved that compulsory unionism is the only reasonable and normal means of security for labor unions today. Father Keller states:

> It should be emphasized that the right not to join is a necessary corollary of the right to join, for without a right not to join there can be no such thing as a right to join. Freedom rests on choice, and where choice is denied freedom is destroyed as well. . . .[4]
>
> It is repugnant that free American citizens be forced, under compulsory unionism, to make contributions to causes, political r economic, to which they may be opposed ın principle or in conscience. The merger of the A. F. of L. and the C.I.O. into one huge labor organization which has as one of its important objectives political action and the use of part of the initiation fees,

[2] KELLER, THE CASE FOR RIGHT-TO-WORK LAWS 89-90 (1956).

[3] *Id.* at 42.

[4] *Id.* at 91.

dues and uniform assessments for that purpose, is one of the strongest arguments, today, against compulsory unionism and the forced political contribution for political purposes to which many members may be opposed. One has only to recall the open political contributions of John L. Lewis, Sidney Hillman, David Dubinsky et al. in former years to realize the inherent danger under compulsory unionism. . . .[5]

There is no reason to the argument that those states in which these laws have been enacted are the backward states. One has only to tour that section of the United States to witness in person its industrial revolution and to view its economic well-being. This is a fact supported by statistics.

The motivation, the restraint on union security or the converse of the free rider argument are attacked by members of the clergy as immoral, and this division of opinion, particularly among the members of the Catholic clergy, has caused considerable consternation in the minds of Catholic workers. It is not understandable to many how there can be diametrically opposed opinions by high placed Catholic clergy who both claim to interpret the same doctrine.

Father Keller shows that "The church is the ally of nothing but the Truth and Charity of Christ." That is, the church is neither pro-labor nor pro-management. Its encyclicals are broad doctrines for guidance. They are not attacks upon economic or political doctrines or institutions and, therefore, a divergence of opinion among the clergy can be condoned, for either side is but sincerely expressing belief in the application of these doctrines and, through such airing of views, seeking the truth.

But the Church is not for Labor to the exclusion of all other claims of rights and justice. . . . The Church, however, has never made the fatal error of conceiving that Labor and its problems are her sole concern, or that other elements of the social structures should be ignored and forgotten. The role of the Church in human society is to maintain balance. The tendency of all partisanship is to upset balance.[6]

". . . Nothing in this paper, [quoting Father Leo Brown, S.J.] need be understood as implying that workmen are morally obliged to belong to labor unions. People can consistently advocate the legal liberty of a group of workmen to make union-shop contracts while defending their moral liberty to decide not to enter into such contracts or even to decide not to form a union."[7]

Perhaps one can best understand the case for compulsory unionism when it is realized that rank-and-file defection is the Achilles heel of unionism. The power to discipline even by bringing about a member's discharge from his job if he fails to keep up his dues is the authority sought. What did unions offer prior to the time when they received from the statute this union shop authority that caused so many men to voluntarily associate themselves with the union? Clearly, they had a package. Perhaps it was Samuel Gompers' package. Perhaps it was the package of the Grand Chief of the Brotherhood of Locomotive Engineers, Mr. Guy L. Brown: "We still think that labor in the long run has a good enough product that you won't have to force men to join."[8] Doesn't it follow that he who needs compulsion must have an inferior product? No, voluntary unionism is not another lost cause!

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5 *Id.* at 47.

6 *Id.* at 9.

7 Brown, *Right-to-Work Legislation,* CATHOLIC MIND 606 (1955).

8 KELLER, THE CASE FOR RIGHT-TO-WORK LAWS 14 (1956).