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## LABOR AND THE FREE ENTERPRISE SYSTEM

VERY REV. JOHN A. FLYNN,  
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**S**T. JOHN'S UNIVERSITY is privileged to confer the honorary degree of Doctor of Laws on the three distinguished Catholic gentlemen who participated in the "Symposium on the National Labor Relations Act." The University admires the courage, honesty, integrity and sincerity which they have manifested in their various spheres of public activity. She congratulates them. She prays that God will continue to bless them abundantly and that they will continue, by their cooperation with divine grace, to profit by His providential inspiration and strength so that their minds and wills may ever move toward the Truth and the Good Who alone can sustain them in the important leadership which they must exercise for the benefit of society.

It is heartening to know that Mr. Meany unreservedly supports bringing within the totally reasonable scope of law the varied facets of union activity so that abuses may be curbed, sanity may be maintained, order may replace chaos and labor may contribute more intensely to the greater good of all. Many of the sentiments which Mr. Meany expressed are merely the current form of the thoughts of Mr. Justice Brandeis. As far back as 1914, this great friend of labor said:

This practical immunity of unions from legal liability is deemed by many labor leaders a great advantage. To me it appears to be just the reverse. It tends to make officers and members reckless and lawless, and thereby to alienate public sympathy and bring failure upon their efforts. It creates upon the part of employers also a bitter antagonism. Not so much on account of lawless acts as from

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a deep-rooted sense of injustice, arising from the feeling that while the employer is subject to law, the union holds a position of legal irresponsibility. . . . The unions should take the position squarely that they are amenable to law, prepared to take the consequences if they transgress, and thus show that they are in full sympathy with the spirit of our people, whose political system rests upon the proposition that this is a government of law, and not of men.<sup>1</sup>

Mr. Meany vehemently opposes the right-to-work laws. In as much as Mayor Wagner says that the heart of the Act which bears his father's name is collective bargaining, there is reason to believe that Mr. Meany is correct. Undoubtedly, collective bargaining offers a principal means of societal security and protection to labor. Whether, in all cases, it offers individual security and protection is certainly open to discussion. When one hears of unions charging college students, who take summer jobs to pay their tuition, fifty dollars for initiation fees and two or three dollars a week for dues,<sup>2</sup> one wonders whether some form of the right-to-work laws has not some qualified place in certain circumstances of modern living.

In the very first Book of Sacred Scripture God obliges man to work. Certainly there seems to be a corresponding obligation on society not to interfere with the divine command which directs individual observance. Of course, this may be over-simplifying a complex matter in a society which is ever growing more complex. Every student of labor relations is keenly interested in the spirited discussion among Catholic theologians concerning the morality of the right-to-work laws. It is well to state here the conclusions of two qualified priests who are poles apart in their thinking on this burning question. Father Keller, C.S.C., member of the Department of Economics, University of Notre Dame, says:

Right-to-Work laws are intrinsically moral because they fully protect the wage-earner in his natural right of self-organization; they are extrinsically necessary to protect the conscience of the worker and his political freedom. . . . Many . . . do not appreciate that compul-

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<sup>1</sup> BRANDEIS, *BUSINESS—A PROFESSION* (1914).

<sup>2</sup> Sat. Eve. Post, Sept. 28, 1957, p. 10, col. 2.

sory unionism is a weapon of awesome power which can imperil our free institutions.<sup>3</sup>

Father Toner, O.S.B., Dean of Industrial Relations, St. Martin's College, Olympia. Washington, says:

The RTW laws are a bellwether expression of that decadent American economic, political, legislative and juridical thinking which Roscoe Pound described as ". . . ultra-individualism, an uncompromising insistence upon *individual* . . . property."<sup>4</sup>

I am not prepared at this time to defend categorically either of these opinions. Rather I think that both are a bit extreme and that the solution lies in a tempering of both so that society and the individual will be adequately protected and will share proportionate security. Moreover, I am absolutely convinced that both the "Rerum Novarum" of Leo XIII and the "Quadragesimo Anno" of Pius XI present the proper general principles which can be specifically applied to all situations so as to provide both societal and individual protection and security.

Judge McGranery must be commended for his remarks on the necessity of man's rededication to spiritual and moral principles and values. This factor, I believe, is the basic element in the whole problem. The supernatural security of the mind imbued with the doctrine revealed by Christ, along with the spiritual security of the will ever prompt and ready to practice the evangelical precepts and courses, conspires to generate emotional, physical, economic and political security which will restore the social order to the high degree of blessed beneficence which was Our Saviour's purpose in His Redemption of humankind.

Labor breathes freely in the benign atmosphere of the glorious Constitution of the United States. Even when additional laws are passed to curb the abuses of unions, labor will still be free with the type of freedom intended by the Founding Fathers of this Republic. Never will Americans allow it to become a mere state commodity, a monolithic sys-

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<sup>3</sup> Keller, *Right-to-Work Laws: Just and Beneficial*, 58 THE HOMILETIC AND PASTORAL REVIEW 34-35 (1957).

<sup>4</sup> Toner, *Right-to-Work Laws: Unjust and Harmful*, 58 THE HOMILETIC AND PASTORAL REVIEW 47-48 (1957).

tem of slavery, an organ of totalitarianism. As the President of a nontax-supported University, I hope and pray that the freedom of private enterprise which labor enjoys will always belong to the institutions on all levels of learning which are supported by private citizens and organizations for the service of the public. Various signs on the educational horizon give cause for anxiety. The threatened promiscuous multiplication of units of state universities and municipal colleges in the areas of both undergraduate and graduate studies may easily lead to a serious loss of faculty members and an outmoding of the physical facilities of nontax-supported traditional institutions of post-secondary learning. The latter time-honored colleges and universities are simply incapable of engaging in a financial contest with tax-supported institutions. Furthermore, the nontax-supported institutions have saved the citizenry billions of dollars, and—what is more important in these times of economic strain—are ready and willing to continue to do so, if their proposed development programs are not rendered abortive by astronomical bond issues which will increase the public debt, and, in hidden ways, make tax-supported education much more expensive than nontax-supported education, especially at the collegiate and university levels. In proof of this statement I offer, among many possible arguments, the record of the cost of medical education at Syracuse University and Long Island College before and after the State University assumed control of these professional units. At all events, it seems to me that, because of the financial factor, there is danger of the gradual development of a one-party system of tax-supported higher education, and a consequent gradual diminution of the freedom of nontax-supported higher education. I must repeat and emphasize my honest conviction, namely, the freedom of nontax-supported education is being jeopardized more and more by the never-ending expansion of state and municipal systems of education.

In the republic of the United States there is a definite place for both tax-supported and nontax-supported institutions. But cooperation, not competition, must be maintained, if both are to survive, which they should, in the finest American tradition. I hope that, as chief civil executive of the

city of New York, Mayor Wagner, a graduate of nontax-supported institutions, will do all that is humanly possible to preserve the free enterprise system, as it is reflected in the nontax-supported institutions of education. My further hope is that he will willingly do battle for this important facet of free enterprise to the very same degree to which he would extend himself to preserve the manifestation of free enterprise which is vital to American labor. In view of the rising tide of voices for more free education and for lower tuition, even at the graduate and professional levels, this will demand the courage of a David, as he is confronted by a veritable Goliath. St. John's University is supremely confident that the Honorable Robert F. Wagner will allow nothing to militate against the preservation and expansion of nontax-supported institutions of learning, so that free enterprise, the basic factor in this type of education, may become more vigorous and of greater value in maintaining the exalted cornerstone of American freedom.