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With the publication of this article, THE CATHOLIC LAWYER *concludes its series on the Right-to-Work Laws except for comments which may appear from time to time in the Letters.*

Can Nothing Be Said for State "Right-to-Work" Laws?†

JOHN E. COOGAN, S.J.*

ONE of those affectionately called "labor priests" by the labor union press recently declared that all priests willing to take a public stand have condemned the so-called "Right-to-Work" laws, banning the union shop. The number of those priest-spokesmen however has not seemed extensive. And they have made no claim that through themselves the mind of our thirty-two million American Catholics—headed by more than two hundred bishops—has been spoken. One need then be thought no less Catholic than those priest-commentators if he comes to a rather different conclusion as to the justice of the laws. For, as Bishop Robert J. Dwyer of Reno has recently said, the Church is *not* for Labor to the exclusion of all other claims of right and justice. The Church has never made the fatal error of conceiving that Labor and its problems are her sole concern, or that other elements of the social structure 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.

There are many friends of the laboring man who feel that the priest-spokesmen for the union shop have left unspoken many of the things that demanded saying in explanation of its present outlawing by eighteen States of the Union. Those spokesmen have not of course denied all union provocation for such laws. But their reference to such provocation is commonly so glancing and so sidelong that it might almost as well have been omitted altogether. No matter what the labor dispute,

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such champions of the union shop as a rule find that the union is substantially in the right. Such championing often seems with little regard for the rights of the individual workman and of the eighteen outlawing States.

We of course have no thought of denials of the right of labor to organize. Neither would we question the great—if not unmixed — good our unions have produced. Nor need we contend that the union shop is of its nature a denial of the rights of the individual workman. Rather, let us suppose that a majority of the workers have freely voted for a union shop; that is, under no threats or duress. The right of the State to permit a freely voted union shop may well be defended. But that stand can be taken without denying to the State the right to forbid the union shop should such forbidding seem conducive to the common good.

Catholic commentators scorning the "Right-to-Work" laws usually seem to pay little attention to the natural rights of the State as a part of the divine plan to provide for the material and temporal needs of families. Those rights — of course a commonplace in the Philosophy of the Schools —imply a divinely imposed obligation upon State governments to pass laws seriously thought conducive to the common good. And as long as those laws are not clearly beyond defense, it ill becomes the friends of union labor to charge dishonorable governmental motives. The State is of course as truly a part of the divine plan as is the Church, despite their belonging to different orders. We Catholics are quick to resent easy imputation of dishonest motivation to churchmen. It is not clear that we are always as careful of the good name of State governments in matters in which those governments are not obviously without justification.

Very Rev. Francis J. Connell, C.SS.R., has expressed the opinion in the July 1 issue of the Washington archdiocesan *Catholic Standard* that "Right-to-Work" laws are not essentially opposed to Catholic social principles. If the laws are to be denounced he says it must be because they "would unduly restrict the right of workers to form unions and to act through these organizations for their reasonable welfare or would injure social and economic progress." We think it can be reasonably argued that the laws do not offend on those grounds. Our argument is based upon the nature of the unions involved and upon union misconduct. Our American labor unions of course are "neutral" unions, in which—as one distinguished unionist has said, "Ideology is the bunk." In the neutral union adherents of every creed and none are equally welcome, equally at home. Very likely in this country no union other than neutral is possible. But that does not prevent the fact from being lamentable. The dangers coming from neutral unionism were in 1950 underlined by the Catholic bishops of the Civil Province of Quebec, in a Pastoral which deserves much more attention from Catholic labor commentators than it has obviously received. That Pastoral, moreover, is prefaced by the declaration of the Cardinal Secretary of the Sacred Consistorial Congregation that the document "does honor to those who wrote it; for the august teachings of the Sovereign Pontiffs . . . could not have been more happily applied to present economic and social conditions in Canada. . . . I feel convinced that the publication of this Pastoral Letter would be of great practical utility to the

clergy and laity of all countries. . . ."

Those thus commended Canadian bishops say of the dangers of neutral unions:

> The mass of the workers receive their education almost insensibly from the association to which they belong. The spirit, the vigor which pervades the organized unit proceeds from the mind and the heart of the leaders. That vigor reaches afterwards all the members and conveys to them a particular concept of social life and professional relations. Hence the association is formative. It will be such in a Christian way, if it expressly adheres, in its very constitutions, to the social principles of Christianity, and if the leaders who shape its actions are capable, through their living faith in the authority of Christ and the Church, of submitting their conscience as leaders to those principles. Otherwise the association will lead the worker astray to materialism; it will imbue him with a false concept of life eventually made known by harsh claims, unjust methods, and the omission of the collaboration necessary to the common good.

Those warnings have abundant current corroboration. Corroborative of the "formative" influence of the neutral union, Allan S. Haywood, the late Executive Vice-President of the C.I.O., has explained, "When you join a union it's kind of like joining a church. You work for nothing else and you believe in nothing else." Justly then has Father Philip Carey, S.J., of the Xavier Labor School, warned us from his abundant experience, "The philosophy of secularism is a greater present problem to American labor than Communism." Communism of course is under assault in most of our labor unions. But secularism is almost their breath of life. Only a few minor and irresponsible labor leaders will speak a word for Communism. But as to secularism—by way of example—the persuasive and influential leader of the five million members of the C.I.O. (most of them Christian) recently without challenge used his official position and union publicity resources to acclaim without reservation America's debt to John Dewey (to Dewey who for half a century was the chief champion of educational secularization consonant with his Humanist Manifesto declaring—among other things—that "Modern science makes unacceptable the supernatural. Theism and deism are outdated. There is no hereafter."). In the face of that C.I.O. leadership, recall the Rome-approved warning of the Quebec bishops:

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Catholic unionists hear their religious leaders describing the Dewey influence as destructive of religion and morality alike. How then can the enthusiastic encomiums paid that influence by the unionists' admired chief spokesman, speaking as such, fail to be for many religiously deformative?

The Catholic concept of unionism is of course that of Christ. His, "I am the way, the truth, and the life," is true in the field of labor as in every other. Christ's words are not, "I am one of the ways. I am a part of the truth. I am a form of the life." He is so much "The way, the truth, and the life" that "No man comes to the Father unless by Me." Christ's way is that of "Little children, love ye one another." It is the way of Charity, of which St. Paul tells us, "Charity is patient, is kind, charity envieth not . . . beareth all things . . . hopeth all things, endureth all things." Of course

those words must be interpreted; but for the secularist, the "neutralist," they are "laughter holding both its sides." The theory therefore of neutral unionism is essentially inadequate. The fact that it may be the only practicable union theory for America does not make it less inadequate. Our secularized State governments may perhaps not consistently complain of that neutralism, but for Catholic commentators to ignore the shortcomings of that neutralism in their condemnation of the State seems less than fair.

Here it seems in place to remark that some priest commentators have used the 1950 Pastoral of the Quebec bishops as authoritative evidence for the obligation of our American workmen to join our *neutral* unions. But those bishops were urging their people to join clearly designated Catholic unions arguing from the precedent of Leo XIII and Pius XII who insisted that the Church gave trade unions her approval "always on condition that, based on the laws of Christ, as on an unshakeable foundation, they would work for the promotion of a Christian order among the workers."

Vindicators of the State's right to ban the strengthening of neutral unions by compulsory membership need not content themselves with pointing to the *conceptual* inadequacy of the neutral union. Current labor *conditions* add their corroboration. Thus for example, A. H. Raskin, nationally known labor reporter of the New York *Times,* has recently written:

> Racketeers have made their way into control of unions from New York to Los Angeles on a scale unparalleled since the repeal of Prohibition. . . . The idealism that animated many veteran unionists in the days when each union advance was dearly bought is surrendering to the ethics of the market place at the lowest levels.

The use of the strike and the threat of striking as a casual bargaining tool is one of the more respectable of such abuses. Ethics may liken the strike to war and lay down the most stringent safeguards for its use. But how disparate the practice. The man who today shouts for war as a first-aid rather than as an almost unthinkable last resort is deemed mad; but the labor leader will commonly begin collective bargaining with a strike vote and threaten that his men will "hit the bricks" unless their sometimes dubious demands are promptly met. Strikes even against the government can be a part of the game. Thus in Detroit a strike could be declared a few years ago — a priest-commentator refusing to disapprove—against the City-owned street transportation system, directly in the face of a State law; and the union leadership could threaten that "Blood will flow in the streets if a wheel turns." A city of two million could thus be left strike-bound for fifty-nine days while mothers strove somehow to get their children to and from school without their falling into the hands of morons and psychopaths.

Sit-down strikes are no longer used, because no longer "necessary." But the story of such unjust occupancy of company property, with its attendant threat of wholesale property destruction, is not a shamefaced union memory. The recent 15th anniversary of the mammoth "sit-down" that ended in the unionization of General Motors was a matter of union self-congratulation and high-jinks, not of prayer and fasting. And in Detroit at least, the union goon-squads, commando-type, rushing club-in-hand by hot-rod to crisis corners,

are no more. But they passed only because the police refused to tolerate a private police force on the public streets, enforcing private law.

But "quickie" strikes are much with us, having become so much a part of our giant industrial community that the superintendent of street transportation can charge — without union rejoinder — that every working day sees so many such strikes that the prematurely homebound workmen disrupt the plans for orderly public transportation. And conduct on the picket lines can casually become a throwback to life in Hell's Kitchen. This not because of the wrath of a few hotheads. Violence is common picket-line policy, to be resorted to when strategically "indicated." As a fine Catholic labor leader recently explained, in all good faith, in a lecture dealing with strikes, "The purpose of the picket-line is to injure the employer so he will settle the strike. The pickets have a right to prevent anyone from crossing the line. There's a war on." This belligerence results from the neutral unions' quite common policy of building up class spirit, "digging a Grand Canyon between the employer and the employed." This concept it was that recently caused the U.A.W.-C.I.O. to reject with scorn the employee stock-purchase plan offered by Ford and General Motors, a plan which has made employees owners of more than six hundred and fifty million dollars of the stock and assets of Sears, Roebuck—largely non-union. Our unions don't like to have their members "sitting on both sides of the bargaining table." Well then might the Quebec bishops warn against the neutral union's "false concept of life eventually made known by harsh claims, unjust methods, and the omission of the collaboration necessary to the common good."

But even so incomplete a list of types of union misconduct should not close without reference to union mistreatment of unionists. Enough to mention the very pro-union *Commonweal's* description of the Taft-Hartley law as not going far enough in its protection of workmen from their unions:

> The union still has the power to deprive the man of his rights as a member. It still has the power to make it difficult, if not impossible, for him to find work once he is unemployed. . . . The power over a man's job is the power over his life . . . and so it happens that in one of the freest countries in the world you run into these pockets of tyranny, dictatorship, ruthless and violent absolutism, where men, American men, live and work in a state of fear that can only be compared to life under Communism and Fascism. The paradox is that even decent labor leaders who support every bill designed to protect civil liberties will oppose any attempt to protect the rights of union members, calling it "an unwarranted interference in the internal affairs of private associations."

Commonweal says, too, that "Men have been deprived of their jobs, of their homes, even of their lives by racketeers and others who look upon a union only as a source of wealth and power to feed their own bellies and their egos."

If what we have given as to the danger and abuse of neutral unionism, and its threat to the common good, is even substantially correct, is it quite clear that the State under such circumstances has no right—not to say duty—to forbid adding to the strength of such unionism through obligatory membership? Is it clear that neutral unionism has not itself justified the State's outlawing of the union shop? The

cure for the situation would seem to lie not in denouncing such State action but in endeavoring to remove union provocation. As Bishop Joseph P. Dougherty of Yakima, Washington, recently urged upon his unionists:

> In your unions, and in dealing with the public on various jobs, you must give the example of the union man who has an interest in the community. You must show the public, and particularly the "neutrals" —those who are neither for nor against labor—that unions need not be brought under state control.

But until that better day dawns many sincere friends of labor will refrain from denouncing the eighteen States that have seen fit to pass "Right-to-Work" laws, banning the union shop.

There is confessedly a notable element of "trial and error" in the art of governing. Legislation aimed at present evils can be revoked if found inept or if union conduct undergoes the evolution some of our priest-commentators predict. That evolution may be hastened by a salutary union reaction to the "Right-to-Work" laws themselves, a reaction arousing the interest of union members in the conduct of their unions; arousing them from an apathy that has commonly made as much as one per cent attendance at union meetings something to be celebrated rather than lamented. In any case we may reasonably hope that the "Right-to-Work" laws will weaken union labor no more than has that Taft-Hartley "tyrannical, slave-labor" law which after eight years finds union membership at its highest point, union political influence ever growing, union finances never so good—its pension funds now having reserves of twenty billion dollars, growing at the rate of two billion dollars a year. Taft-Hartley, we finally note, leaves the David of the U.A.W.-C.I.O. a match for the twin Ford-General Motors Goliaths, and claiming the dawn of a new era for labor through "acceptance in principle" by those corporations of the Guaranteed Annual Wage.