

'Right to Work' Along the Wabash

JAMES A. MAXWELL

"ORGANIZED LABOR feels about the open shop the way women do about polygamy," a labor leader once said to me. "It's both an emotional and an economic matter to us. We've fought for years to make the union-security agreement a part of the labor-relations pattern of this country, and anyone who tries to go back to the old open-shop days is in for a lot of trouble."

There is considerable evidence that rank-and-file union members share this feeling. Under the Taft-Hartley Act as originally written, a union could bargain for a union-shop clause in a labor contract only if a majority of the workers—not simply those voting—approved. Despite this loaded provision, which meant that any employee who neglected to vote was in effect casting a ballot against the union shop, the results were surprisingly one-sided.

From 1947 through 1951, more than 46,000 union-shop elections were held by the National Labor Relations Board, and unions won ninety-seven per cent of them. Of the 5.5 million votes cast, ninety-one per

cent were for the union shop. Senator Taft realized that these elections were a waste of time and money and in 1952 led a successful movement to have the provision repealed in the Federal law.

SENTIMENT for the open shop, however, is far from dead in this country. Eighteen states have adopted "right-to-work" laws which forbid labor agreements that make union membership a condition of employment. Five other states—Ohio, California, Kansas, Washington, and Colorado—will vote on the measure in the November elections.

The business community in the industrial states, however, is by no means united in support of "right-to-work" laws. "Personally, I wish we could stay out of the fight," an official of the Dayton, Ohio, Chamber of Commerce told me. "The big companies in this town have had good labor relations for some time now, and most of them feel that the current battle will leave wounds that will take a long while to heal. I agree with them. But the small businessmen are determined to get

the law on the books, and of course our organization will have to go along with them."

THERE WAS the same kind of division among employers in Indiana, which in March, 1957, became the first Northern industrial state to adopt a "right-to-work" law. "Big business was either opposed to the law or kept hands off," Jack Reich, executive vice-president of the Indiana State Chamber of Commerce, told me. "It was the pressure from small business that got the law passed."

Although the law has been in effect in Indiana since June of last year, not many contracts have as yet been affected by it. Many of the agreements with union-shop provisions were reached before June, 1957, and will not expire for another year or more. The law was not retroactive; also, it did not abrogate contracts that were renegotiated or extended during the period between March, when the bill was passed, and June, when it became effective.

The United Automobile Workers is the first large union in Indiana that has been unable to bargain for a union shop. Neither management nor officials of the UAW will predict what effect, if any, an open shop will have upon union membership. Last May, however, when the UAW contract expired, some five hundred of the twenty-four thousand members of the Anderson, Indiana, local resigned from the union.

"That's one of the major difficulties with the 'right-to-work' law," said Dan Bedell, a staff member of the United Auto Workers. "There are always a certain number of men in any union who would like to be free loaders, to have all the benefits of the union without paying any part of the cost. That creates disharmony among the men. Under Taft-Hartley, a union must represent all the workers, not just its members. But even if that provision weren't in the law, we'd still have to represent nonmembers in their grievances against the company. Otherwise a bad precedent might be established and we'd have to live with it."

Although big business, on the

whole, has yet to feel the effects of the Indiana law, a number of contracts have been negotiated by small companies. "The small outfits have been much tougher to deal with during the last twelve months," said George Colwell, vice-president of the state AFL-CIO. "We're encountering truculence rather than the give-and-take attitude we've known in the past. In many instances, management feels that we've been seriously weakened by the law and are on the defensive, and they want to make the most of the situation."

"Labor leaders, not management, are creating the difficulties," Jack Reich of the Chamber of Commerce said. "As long as everyone was forced to belong to a union and dues came in automatically by payroll deductions, leadership had nothing to worry about. Wouldn't you like to run a business with no sales problems? That's the setup the unions have without a 'right-to-work' law. The representatives are belligerent right now because they're upset, but eventually we'll have more responsible leadership. Members can now bring pressure on them by threatening to resign if they don't do a good job. Personally, I don't think that the law has caused any serious rift between labor and management."

A Timely Reminder

However, businessmen admit that in some towns in the state, organized labor is boycotting merchants who are known to have supported passage of the law. In New Castle, for example, the union paper published names of businesses that are not connected with the Chamber of Commerce, thus, by implication, blacklisting those which are.

To stress the purchasing power that is theirs to confer or withhold, union members, during the first week in October, handed a card to the merchant each time a purchase was made. Over a million of these cards bearing the following message were passed out: "Your business has just been helped through the purchase of a union member. Good wages mean good business. Protect your business. Oppose the campaign of the Indiana Chamber of Commerce to weaken unions and lower wages. Oppose the so-called right-to-

work law." The reverse side of the card points out that the 350,000 union members and their families spent \$35 million per week with Indiana merchants.

THERE is a political as well as an economic objective in this and similar campaigns. When the "right-to-work" law was passed by the Indiana legislature in March, 1957, the majorities were slim—54 to 42 in the lower house, 27 to 23 in the senate. Republicans hold about three-fourths of the seats in the house and two-thirds of those in the senate.

In the November election, all of the hundred seats in the house and half of those in the fifty-man senate will be filled. The Republican platform pledges the party not to repeal the "right-to-work" law, while the Democratic platform advocates repeal. Therefore, with the exception of a few members on each side of the aisle who voted with the opposition,



labor has conducted its fight on a straight party-line basis. The campaign has been heated.

Labor leaders in Indiana, as in other states facing the "right-to-work" issue, admit that the disclosures of the McClellan committee have placed a heavy handicap on the unions' campaign. The long parade of thugs, hoodlums, thieves, and racketeers who have been permitted to flourish in the labor movement has undoubtedly caused a sizable portion of the public to view unions—all unions—with diminished enthusiasm.

"Jimmy Hoffa and the people like him succeeded in smearing all of us," one union officer in Indiana said. "They've hurt labor more than all of the union-busting groups in the country. We're trying to tell the

public that that gang is no more representative of union leadership than bank embezzlers are typical of bankers. But there's no denying the fact that we're fighting for repeal at a hell of a bad time."

Webb Sparks, executive director of the Indiana Right-to-Work Committee, also said that the hearings before the McClellan committee will militate against repeal, but he feels they are a minor factor in the campaign. "The 'right-to-work' movement would never have gotten off the ground if it hadn't been for the actions of labor leaders like Reuther. We have plenty of good union men who support our committee simply because they don't like their money being spent for political purposes they don't believe in. There are a lot of strong Republican members in Michigan, for example, who are burned up because their dues are being used to help elect Soapy Williams. The same kind of thing happens in this state."

But even if labor succeeds in electing a sufficient number of representatives and senators to repeal the "right-to-work" law, Indiana's tangled political situation may provide new problems. Republican Governor Harold W. Handley, who permitted the law to go into effect without his signature, is running for the United States Senate seat vacated by William Jenner. If Handley is elected, Lieutenant Governor Crawford F. Parker, an ardent supporter of the law, will become governor. Parker has stated that he will veto any repeal of the law.

On the other hand, if Handley is defeated, Parker will remain in his present post as speaker of the state senate, where he may be in a position to bury the repeal bill in some committee other than Labor and thus postpone action indefinitely.

The Agency Shop

There is, however, a factor that may make the entire "right-to-work" issue an academic matter not only in Indiana but in all states that have the law.

Several years ago, the UAW negotiated a union-shop contract with a Ford plant in Canada. Among the workers, however, there were a number who were members of a religious sect with tenets that forbade mem-

bers to belong to a union. This dilemma was finally solved by an agreement that workers with religious scruples would not have to join the union; but since the union would act as their agent in all bargaining and grievance matters, the nonmembers should pay the same dues and assessments as members. Canadian courts upheld this "agency shop" clause.

In negotiations with the Meade Electric Co. of Lake County, Indiana, last spring, the International Brotherhood of Electrical Workers resurrected the agency-shop concept as a convenient means of circumventing the right-to-work law. The union pointed out that it must, under the Taft-Hartley Law, represent *all* workers; therefore, nonmembers should pay their proportionate share of the cost for this service.

The company asked for an order from the Lake County superior court restraining the union from bargaining on this point, but Judge Henry V. Stodola ruled that the agency shop was not in violation of the state law. (This is the first court decision on the question in any state with a "right-to-work" law, but the attorneys-general of Nevada and North Dakota have also ruled that contracts containing such an arrangement are not illegal.) Judge Stodola's decision is now being appealed.

"RIGHT-TO-WORK" supporters were outraged by Judge Stodola's opinion, and their feeling was aggravated when unions began to utilize the apparent loophole. L. A. Hooser, vice-president of the Indiana Right-to-Work Committee, tried to halt the trend with a threat of prosecution. "Employers in many areas of Indiana are being pressured by labor union negotiators to accept 'agency shop' clauses in labor-management contracts," he said in a statement issued to the press. "Such clauses will expose both employers and union representatives to possible fines and imprisonment." With the court decision in their favor—at least for the present—union leaders seem to be facing any potential penalties with fortitude.

Indiana's "right-to-work" law does not specifically ban the agency-shop clause, but there are a number of



proposed and existing state laws that do. According to the *Labor Relations Reporter*, a highly respected journal in the field of labor law, even states that have banned the agency shop may be affected if Judge Stodola's reasoning is followed by other courts.

"The decision of the court in the present case is a sweeping one so far as the legality of agency shops is concerned," the publication said in its May 26, 1958, issue. "Not only does it hold that an agency shop is lawful under Indiana law, in view of the lack of any prohibition of payments to unions, but it also indicates that a statute barring an agency shop would be invalid under Section 14 (b) of the Taft Act."

The labor leaders I talked with, however, view the agency-shop clause only as a temporarily useful exercise in tactics. "We're not trying to live with the 'right-to-work' law," George Colwell told me. "We want it repealed."

Turning Back the Clock

One independent labor-relations counselor in Indiana, who asked me not to use his name, summed up the situation this way:

"The open- versus closed-shop fight is certainly not new in this country, but the conflict has a new significance today. The rapidly growing economic and political power of unions and the trend toward monopoly in business genuinely frightens many small business-

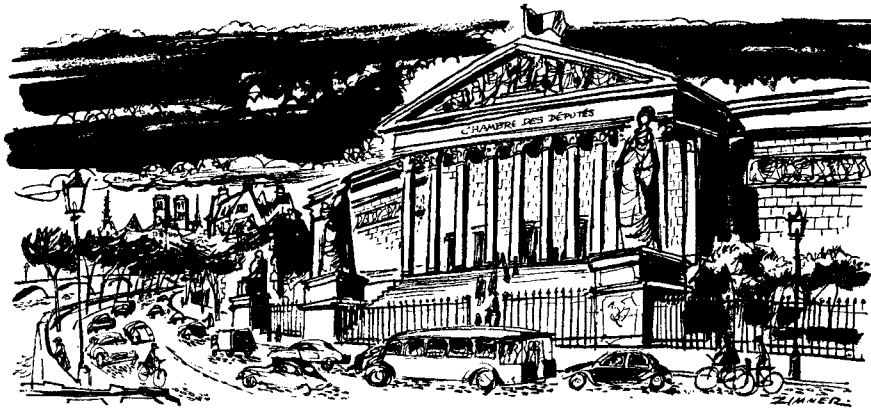
men and professional people who fear that they'll be crushed between these two giant forces. The 'right-to-work' law is a counterattack.

"Unions, on the other hand, remember the 1920's, when the open shop had a great revival after the First World War. Membership dropped about a third, from five million to three and a half million. Organized labor will do anything it can to prevent a repetition of that experience.

"I think you'll find that most of us who work in the field of labor relations—and that includes a lot of the personnel directors of large corporations—are against 'right-to-work' laws because union-shop agreements have become too much a part of the fabric of labor-management economics to be removed without severe damage. Can you imagine the chaos in hospitals and the medical profession if Blue Cross and all the other medical-insurance programs were suddenly outlawed?

"Senator Taft had this in mind when he fought against a 'right-to-work' rider on the Taft-Hartley bill, and Secretary of Labor Mitchell saw the same danger when he came out against 'right to work.'

"I can see why a lot of people want the law, but I think they're only trying to turn back the clock. To my mind, unions could stand a lot of corrections. Abuses have been plentiful and serious. But I don't think any law will be effective if it's bucking a historical trend."



AT HOME & ABROAD

General de Gaulle Tames The Gaullist Revolution

EDMOND TAYLOR

PARIS
“WHAT IS our ideology? Well, you might define it as muscular Gaullism.”

The speaker was Léon Delbecque, one of the leading insurrectionary condottieri in the Algerian coup of May 13. His emergence as boss—“National Commissar,” he calls it—of a strongly organized, well-heeled, oddly named new party, the Republican Convention, has given cold shivers to many French republicans. (General de Gaulle is sometimes rumored to be among the shiverers.) Contributing to this unease are Delbecque's dynamic vocabulary (he habitually refers to the events of last May as “the Revolution”), the occasionally excessive muscularity of his young adherents' Gaullism, and the fact that his party is largely built around a nucleus of semi-clandestine Public Safety Committees organized by him throughout the country.

But after talking with the glib, amiable young commissar at his bustling if rather cobwebby campaign headquarters on the lower slopes of Montmartre, I found Delbecque and his Convention less sinister than I had imagined. No doubt the Convention, which many observers are beginning to take seriously as a

political force, represents an extreme form of revolutionary Gaullism. Were it not for the electoral system that Premier de Gaulle has chosen, it might well have emerged from next month's elections for the National Assembly as the shock force of a triumphant Gaullist bloc which would inevitably develop into a totalitarian monolithic party.

Under Delbecque's vigorous leadership, however, the Convention is not likely to launch a direct attack on the democratic institutions of the Fifth Republic—certainly not while de Gaulle stands guard over them. Delbecque insists that his Gaullism is as unconditional as it is muscular. He claims, without any pretense of modesty, that he saved the republic last May by stealing the “revolution” for de Gaulle from the original Algerians putschists, and that he is today Enemy No. 1 of the extreme Right: Poujadists, some Royalists, die-hard colonialists, unreconstructed Vichyites, and other unsavory elements with whom he collaborated last May.

Reining In the Right

The claim is not entirely unfounded. There has been a split since May in the nationalist camp, particularly since the general's Constantine

speech of October 3, and no doubt Delbecque pulled a certain number of his old fellow conspirators over to the new political “system” in France—just as democratic as the old one, and in the final analysis not greatly different from it.

Delbecque's comrades in the Union for the New Republic, the umbrella organization newly created and largely controlled by Minister of Information Jacques Soustelle, are equally sensitive to the practicalities of electioneering under the new system. To reduce sterile rivalry among the several clans of right-wing Gaullists, the Union has allotted a quota of electoral districts to each of its component groups, including Delbecque's. His candidates in the districts assigned to them will have the exclusive endorsement of the Union as well as that of the Republican Convention.

There was no difficulty about finding a district for every potential candidate of the Union. Some districts are safer than others, however, and there has been fierce intramural competition for the best ones. There have also been unabashed attempts at gerrymandering that have greatly irritated General de Gaulle. In particular he is supposed to have issued strict orders that the district of his arch-adversary, former Premier Pierre Mendès-France, should not be tampered with so as to reduce Mendès's chances for re-election (which are now excellent).

THE GENERAL has likewise intervened to discourage the tight cartel of Gaullists and conservative nationalists, blessed by the most reactionary Algerian “integrationists,” that right-wing leaders like Independent Senator Roger Duchet, former Premier Georges Bidault, and former Defense Minister André Morice have been trying to organize with Soustelle's help. The Gaullist-Rightist combination has a good chance of winning a majority in the National Assembly as it is, and de Gaulle feared that many Socialists, driven by despair, might be inclined to join the Communists in a Popular Front, which in any case will take shape in many constituencies.

De Gaulle's October 9 letter to General Raoul Salan forbidding a “prefabricated” electoral vic-