‘Right to Work’ Is an Old and Bipartisan Idea
By Elizabeth Tandy Shermer
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Republican legislators across the country have recently reinvigorated debate about the “right to work.” To the great fury of Democrats, they have introduced bills to either create or strengthen laws prohibiting unions from bargaining for contract clauses that make membership a requirement to work in an organized firm.

But the concept of a “right to work” has a long and bipartisan history.

One of the earliest uses of the phrase came in a 1903 McClure’s magazine expose titled “The Right to Work,” by muckraker Ray Stannard Baker. He described harrowing attacks on those who crossed picket lines in a bitter anthracite coal strike, bringing evidence of a powerful labor movement to middle-class readers far from mining camps.

During the two world wars, union membership shed some of its negative connotations, and became synonymous with patriotism. The idea of a “right to work” seemed treasonous. “The open shop,” unionized painter Joe Rodriguez declared during 1944 hearings before the Arizona Legislature, “only creates bitter feeling, disruption and very low standard of living, but if it was to be enacted throughout the nation today, one of the most chaotic and dangerous conditions would develop in America to the point where I am sure Mr. Hitler and Mr. Hirohito would be in Heaven that such developments took place.”

Truman’s Slogan

Some business leaders agreed -- at least in part. The president of the California Chamber of Commerce said that although his members objected to “compulsory unionism” they also opposed right-to-work laws in “the interest of national unity, the uninterrupted prosecution of the war and maintenance of our vital production scheduled at this time of crisis.” After the war, President Harry Truman seized the slogan to promote federally assured full employment, attempting to reframe the issue as the right to a job.

In 1947, amendments to the National Labor Relations Act (usually called Taft-Hartley) forever cemented the “right to work” as a protection against “compulsory unionism” and a defense of the “open shop.” Section 14(b) of the law permitted states to pass restrictions on contractual membership agreements.

This only legalized what managers had already pressured many legislators to do. Wisconsin businesses had lobbied in 1939 for an “Employment Peace Act,” which placed limits on union tactics and strengthened protections for employers during organizing drives. This law served as a model for six other state assemblies, as well as for more stringent right-to-work ballot initiatives held in California, Arkansas and Florida in 1944.
But bills flooded statehouses and appeared on ballots across the country after Taft-Hartley’s enactment. All offered the same edict: “A person has the right to work, and to seek, obtain and hold employment without interference with or impairment or abridgement of said right because he does or does not belong to or pay money to a labor organization.”

Even before the organization of a well-funded and energetic National Right to Work Committee in 1955, national business groups, such as the National Association of Manufacturers and the U.S. Chamber of Commerce, promoted right-to-work laws and pushed for state-level legislation.

Patriotic, Pro-Investment

The business leaders who spearheaded these campaigns often framed them as a patriotic duty when talking to voters. “It’s almost as if we were living in pre-war Germany,” a 1946 Arizona radio ad charged, “These despotic little labor racketeers, the would-be Hitlers, must be crushed now -- once and for all -- before it’s too late.”

Southerners, for their part, often deemed the right to work a bulwark against Communists and civil-rights activists. “This outside influence is just a bunch of pot-bellied Yankees with big cigars in their mouths and the dues they collect will just go up North,” read one Dixie handbill introduced into the Congressional Record in 1953, “If they come in, you will share the same restroom with Negroes and work side by side with them. It comes right out of Russia and is pure communism and nothing else.”

Campaigners in the Sun Belt sold the laws as a means of luring investors, and used the same tactic to defeat attempts at repealing them. In 1956, Arizona Senator Barry Goldwater warned voters that General Electric executives had already threatened not to “go into any state that did not have a right-to-work law.”

By 1958, something of a right-to-work belt already stretched across much of the American South, Southwest and Mountain West. Voters in six more states weighed the matter in elections that year, encountering a barrage of arguments for and against from business, civil rights, and labor groups. In the years that followed, lawyers from the National Right to Work Legal Defense Foundation went to court to ensure that unions complied with restrictions and labor leaders made their case in Washington (unsuccessfully) to repeal Section 14(b).

Public debate over right-to-work laws subsided, after 23 states had enacted such restrictions. But they are back in fashion now that the Steel Belt has rusted, the labor movement is weak and the economy is growing slowly. Still, some executives continue to fear union and voter reprisals more, especially in an election year. For example, with right-to-work legislation pending in Michigan this year, both the trade group Business Leaders for Michigan and an executive of the Michigan Manufacturers Association warned that the proposed law would be a divisive distraction from more important issues.

Yet the right to work will undoubtedly remain central to business politics -- no matter the outcome of the 2012 elections.

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