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# What's Wrong with "Right-to-Work"

**FEATURE**

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## Exposing the Racist Legacy and Corporate America's Agenda

The specter of so-called right-to-work laws, much to the dismay of working families, is sweeping the nation. The story of right-to-work pits Democrats against Republicans, management against workers and, historically, white supremacists against socialists.

The term right-to-work (RTW) refers to a type of law that allows workers in a unionized facility to opt out of paying union dues, even as they enjoy all of the benefits that unionization brings. These are dues the worker agreed to pay as a condition of employment in most cases — and as a condition of forming their union through majority vote.

RTW has recently re-emerged as a hot political issue, both nationwide and here in the Commonwealth. However, two key elements are frequently left out of the conversation about this controversial law. The first is the fact that the RTW campaign has racist, divide-and-conquer origins initially pushed by far-right business interests

and candid white supremacists. The second is the fact that the proponents of RTW today are part of the exclusionary lineage of the American right, determined to divide the working-class in one way or another.

While groups supporting RTW are not openly racist in 2015, they support other policies that disproportionately affect people of color. It is telling that the lobbying groups pushing for the "right-to-work" today are made up of captains of industry — not working-class people.

Because Kentucky has become a test laboratory of sorts for RTW laws, Kentuckians should be paying attention. Kentucky is not a RTW state, making it one of the only in this region. However, since December of 2014, 12 Kentucky counties have passed RTW ordinances, which has drawn legal challenges from several labor unions.

As Olivia Sandbothe from the American Federation of State, County and Municipal Employees (AFSCME) states, "[under] the Taft-Hartley Law ... only states are authorized to pass these kinds of laws. Kentucky's highest court said as much in a 1965 ruling, and Kentucky's Attorney General Jack Conway recently warned counties that local RTW ordinances won't hold up in court." This is just the beginning of what is sure to be a hard-fought campaign for the future of unions in Kentucky and the nation.

### **The so-called "Right-to-Work": What it is and what it isn't**

RTW proponents frame the issue as if workers are coerced by unions. The National Right to Work Committee states that "No one should be forced to pay tribute to a union boss in order to get or keep a job!"

They're correct: no worker should be so coerced, and in fact, no worker is forced into such an arrangement. No American citizen is forced into a labor union or forced to pay dues. When workers vote to form unions or agree to work at a unionized facility, they also agree to the dues-paying system. The notion of having the "right-to-work" sounds quite lofty. The United Nation's Universal Declaration of Human Rights states that all citizens have "the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment."

Professor Rolland Zullo of the University of Michigan points to the ominous consequences of passing RTW laws, which make resources for worker safety scarce. Zullo states that "RTW laws result in the underfunding of union safety training... [and] accident prevention activities." Further, Zullo's research — which

pulls from both the U.S. Department of Labor and the Bureau of Labor Statistics — concludes that “the rate of occupational fatalities is 34 percent higher in RTW states.” One possible reason for decreased worker safety in RTW states, Zullo writes, is that an “objective of organized labor is to protect worker safety and health.”

Wages and benefits are lower in states that have passed RTW. Elise Gould of the Economic Policy Institute, writing in the New York Times, concluded that “wages in right-to-work states are 3.2 percent lower on average, or about \$1,500 less a year.” Further, Gould stated that workers in RTW states “were less likely to have employer-sponsored health insurance and pension coverage. This does not just apply to union members, but to all employees in a state.”

Ultimately the question is about who stands to benefit from undermining the organizations designed to defend workers.

## **Origins of “Right to Work”: From Jim Crow to the Taft-Hartley Act**

Following the heady days of the 1930’s and early 1940’s, when it seemed that organized labor’s ascendancy was unstoppable, the inevitable backlash came in the form of the Labor-Management Relations Act of 1947. This law, better known as the Taft-Hartley Act, was a reactionary measure designed to rein in what many conservatives perceived as the excesses of the Wagner Act of 1935 (better known as the National Labor Relations Act). Passed by a Republican Congress over President Harry Truman’s veto, Taft-Hartley effectively ended “closed-shop” workplaces in the United States. That is, the law allowed the “open shop,” which is a workplace where one does not have to join the union as a condition of employment.

A landmark shift in American labor law, Taft-Hartley granted new rights to the states in setting labor policy. As Professor Marc Dixon of Dartmouth University points out, the law also “ceded jurisdiction to the states in the regulation of union security and right-to-work laws.”

Much like the modern-day push for RTW, Taft-Hartley was pushed by business interests and their allies. The National Association of Manufacturers (NAM), a corporate advocacy group that still exists today, was one of the most vocal opponents to organized labor and the New Deal reforms of President Franklin Delano Roosevelt. NAM’s agenda was to weaken organized labor in order to strengthen the ability of companies to profit. As Robert Rodgers Korstad writes in his book “Civil Rights Unionism,” many of the provisions of the law “drew directly on a ‘Declaration of Principles’ formulated by the National Association of Manufacturers in

1946.”

However, the term “right-to-work” was coined by the long-forgotten Vance Muse, a Texas businessman and white supremacist who founded the Christian American Association (CAA) in the 1940s. Investigative journalist Stetson Kennedy, in his book “Southern Exposure,” quotes Muse as infamously saying that “[f]rom now on, white women and white men will be forced into organizations with black African apes whom they will have to call ‘brother’ or lose their jobs.” Muse shrewdly understood that the strength of workers’ organizations were then and are still today predicated on unity across arbitrary boundaries such as race. By undermining unions, Muse and his supporters could then stifle the burgeoning movement for civil rights for black Americans.

Muse’s organization, in concert with powerful business interests and their Republican allies in Congress, eventually succeeded in passing the Taft-Hartley Act, putting a stop to efforts to organize black workers in the old Confederate South.

The CAA was a well-known consortium of members of hate groups like the Ku Klux Klan, as well as far-right businessmen and political lobbyists. The organization also fought against women’s suffrage, New Deal reforms and even child labor laws. Journalist Mark Ames explains that Muse also appointed the CAA’s first chairman, Lewis Ulrey, who openly supported the aims of Adolf Hitler.

Southern racists understood that the kind of solidarity being built among unions in the South was overcoming racial barriers. As Richard D. Kahlenberg and Moshe Z. Marvit of Dissent Magazine put it, “unions have a powerful interest in reducing racial discrimination and animus because racial hostility inhibits worker solidarity and union organizing.” To Southern white supremacists, the notion of being in a worker’s association with blacks was anathema.

At the time, the labor movement in the South was gaining particular momentum organizing African American workers in the 1940s, particularly the more radical Congress of Industrial Organizations (CIO) – which later merged with the more moderate American Federation of Labor (AFL) to form what we now know as the AFL-CIO. The CIO was a nightmare for the American right. They were known for their affiliation with Communists, and they were a confederation of unions who were explicitly anti-racist.

As Chris Kromm with the Institute for Southern Studies stated, the “Christian American Association saw danger.” Further, Kromm says that due to a “burgeoning

wartime economy, along with labor organizing drives spearheaded by the Congress of Industrial Organizations... unions were rapidly growing in Texas. After hovering around 10 percent of the workforce during the 1930s, union membership exploded by 225 percent during the next decade.”

The CIO was known not only for its opposition to Jim Crow laws in the South and anti-racism, but also for its candidly radical leadership. As the late historian Howard Zinn put it in his book “A People’s History of the United States,” it was only “the radicals [who] made an attempt to break the racial barriers: Socialists, Trotskyists, Communists most of all. The CIO, influenced by the Communists, was organizing blacks in the mass production industries.”

This was another reason business groups like NAM and the CAA supported some of the more absurd provisions of Taft-Hartley. As Robert Rodgers Korstad points out, Taft-Hartley “required union officers seeking access to NLRB [National Labor Relations Board] services to file affidavits declaring that they were not members of the Communist Party...”

Proponents of RTW understood that the radical left was pushing for a labor movement that transcended race in the interest of working-class unity. They shrewdly understood that if, amidst the Red Scare of the 1950s, they could tie the labor movement to radical politics and the Soviet Union, they could undermine all of the progress won by southern workers through the CIO’s organizing efforts.

Dr. Martin Luther King Jr. saw through the smoke-and-mirrors. He eloquently stated the following, pointing to the intersections between racial and economic justice:

“We must guard against being fooled by false slogans, such as ‘right to work.’ It is a law to rob us of our civil rights and job rights. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone. Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights.”

The CAA’s message that unions undermined white supremacy in the South was effective. RTW spread dramatically through the South in the mid-twentieth century. While the rhetoric may be different, one can hear echoes of the CAA in today’s discussion of RTW.

## **Corporate America’s Quest to Push Right-to-Work across the Nation**

In 2013, the unthinkable happened: Michigan, a bastion of organized labor for decades, ever since the United Auto Workers organized Ford Motor Company in 1937, passed a RTW law. In spite of thousands of protesting union members and their supporters, Republican legislators in that state, encouraged by Governor Rick Snyder, passed the law and ended the closed shop.

Recently, in 2015, Wisconsin, another state with a long legacy of union activism, passed its own RTW measure, even after Governor Scott Walker had for years claimed not to support RTW. That the most aggressive assaults on organized labor in decades occurred in two states with among the highest union density of any states in the country was no mistake; It was part of an organized campaign to attack labor where it was strongest.

These laws came on the heels of earlier efforts by the same politicians to curtail public-sector collective bargaining laws.

Anyone who has followed politics in the years since Barack Obama became president in 2009 should be familiar with the American Legislative Exchange Council (ALEC), a right-wing political organization ironically funded by legislator dues, corporate donations and wealthy, undisclosed donors. ALEC has distinguished itself as a clearinghouse for conservative legislation related to everything from dismantling women's health rights, promoting charter schools and passing RTW laws. As reported by the Center for Media and Democracy, Wisconsin's RTW law was "taken word-for-word from American Legislative Exchange Council model legislation."

Other infamous legislative efforts provided by ALEC include Voter ID and "Stand Your Ground" laws.

Fighting in opposition to ALEC and other like-minded organizations is Jobs with Justice (JWJ), a multi-issue group focusing on economic justice and workers' rights. JWJ lists ALEC as one of the main organizations putting vast amounts of resources into the push for RTW laws, along with the U.S. Chamber of Commerce and the National Right to Work Committee (NRWC).

Kentucky's two Republican U.S. Senators, Majority Leader Mitch McConnell and Senator Rand Paul are avid proponents of RTW. Not only do they support RTW in their home state, but they support it on a national level. In 2013 they proposed a RTW amendment to the Employment Non-Discrimination Act, a bill that, in its original form, would have prohibited discrimination against LGBT individuals in the workplace. While they knew full-well President Obama would never sign the bill with

such an amendment attached, they made their stance on RTW crystal-clear.

Proponents of RTW like McConnell and Paul have managed to offer only convoluted and misleading explanations of what these laws actually do, or how they supposedly benefit workers. Dave Jamieson, reporting for the Huffington Post quoted McConnell as implying RTW was about "tipping the scales back" towards working people, and that RTW is about pushing back at "Big Labor," which cares far too much about "its own perks and power than the workers it was charged with protecting."

The Center for Responsive Politics, a nonprofit and nonpartisan research group based in Washington D.C., published data showing significant contributions to both McConnell and Paul from special interest groups pushing RTW legislations: Sen. McConnell received \$10,000 from the pro-RTW U.S. Chamber of Commerce (an organization that requires members to pay dues) during the 2014 election cycle, and Sen. Paul received a total of \$27,500 from the NRWC.

The rhetorical question being: why would big businesses fund organizations to empower their employees when they could improve pay and benefits for their workers autonomously?

### **Kentucky in the corporate crosshairs**

McConnell and Paul are certainly not Kentucky's only supporters of RTW. The Bluegrass Institute, a Lexington-based think tank with a stated mission to "advance freedom and prosperity by promoting free-market capitalism" has been at the forefront of efforts to pass county-level RTW laws in Kentucky. The organization's president, Jim Waters, has testified before the Fiscal Courts of numerous counties across Kentucky, often joined by his cohort Brent Yessin, a Florida lawyer affiliated with an organization called Protect My Check (PMC).

PMC is ostensibly a workers' advocacy organization. Their website describes them as a "mechanism for local activists, local political leaders, local business leaders and employees themselves to act NOW to protect employees in their community" by passing RTW laws at the local level.

Yessin has been ubiquitous in the local fights over RTW across the Bluegrass State. It is worth noting he has been the subject of numerous unfair labor practice charges with the National Labor Relations Board for his behavior during union organizing and bargaining campaigns.

Like many of the groups that pop-up during election season each year in our post-Citizens United world, PMC does not (and is under no obligation to) disclose its funding sources to the public.

In March, at a meeting of the Oldham County Fiscal Court, Yessin concurred with several members of the Fiscal Court when he stated that passage of this ordinance was not anti-union at all, but instead was merely an attempt to balance the scales more in favor of so-called "worker freedom" and to help counties recruit job-creating businesses to their area. Yessin's connections to the broader Conservative community couldn't be clearer. In fact, Yessin even spoke at an ALEC conference in 2014, according to AFSCME's Olivia Sandbothe. In the speech, Yessin reportedly promised legal assistance to governments that encounter legal challenges for passing RTW laws, saying that his organization would "have a state counsel in each of the states that will help coordinate all the appeals."

Speaking to the Courier-Journal after the meeting, Kentucky AFL-CIO President Bill Londrigan, characterized the law as anti-union, saying that when people hear the facts, "[t]hey understand that this is not an economic development tool. It's a ploy to undermine the ability to organize and to have strong collective bargaining rights, which raise wages."

For now, the effort to pass local RTW ordinances appears stalled, as no new ordinances have been passed in weeks.

## **Right to work ... with rights**

For decades, American workers have been engaged in a struggle with corporate America for their rights on the job. The labor movement emerged in America in the late nineteenth century in the railyards and textile mills of the Northeast and Midwest. They fought for an end to child labor, shorter work hours, and higher wages for all workers.

While the mainstream media often paints a picture of a labor movement on the ropes, there are glimmers of hope for American workers. The "Fight for \$15" movement — in which fast-food workers are walking off the job in protest of low wages and poor working conditions — has expanded to dozens of cities across the country. Recently, McDonald's and Walmart have both announced they are raising wages for their notoriously low-paid employees, a clear sign that the mounting pressure is encouraging change. Furthermore, global income inequality is beginning to get the attention it deserves as a serious issue of concern. Even institutions that



have not historically demonstrated interest in income disparity are showing signs of concern. The International Monetary Fund, for example, which is an organization not known for its support of unions or progressive politics, recently released a study that the Canadian publication Press Progress summarized as showing that “the lower the unionization rate, the higher the poverty rate.” As RTW laws continue to create barriers for unions, America could see a further spread of income inequality.

While there is optimism and creativity in the new generation of the labor movement — whether it be courageous low-wage workers taking a stand, or exploited farmworkers fighting back in Florida — RTW will remain front-and-center as an issue for unions – and all working people. It remains to be seen if an engaged citizenry understands the negative implications of RTW for all Americans, or if the simple slogan of deception can undermine decades of progress. •

*[Ed. Note: Richard Becker is a union organizers with SEIU/NCFO and Alex Bradshaw is a labor and social justice activist in Louisville.]*