The Controversy over Trade Union Membership in the United States

In the United States a sharp controversy has been provoked by the adoption in certain states of laws declaring that the right of persons to work may not be made dependent, as it is in fact under many collective agreements, on membership in labour organisations. Since 1947 such laws, commonly referred to as "right-to-work" laws, have been enacted by 18 of the states. In their favour it is argued that to oblige a person to join a trade union in order to obtain or keep a job is incompatible with the principle of individual freedom; those who oppose these laws contest the validity of this argument and see in the laws a threat to union security and hence to the hard-won gains of labour.

Two writers well placed to present the opposing points of view discuss this fundamental question below. Mr. Erwin, of the Labour Relations and Legal Department of the Chamber of Commerce of the United States, argues in favour of the right-to-work laws; and Mr. Goldfinger, of the Department of Research of the A.F.L.-C.I.O., opposes them.

I. The Case for Right-to-Work Laws

by

Arthur ERWIN

ONE of the most important questions facing many United States legislators today is whether laws should be enacted to prohibit the discharge of an employee solely because of non-membership in a labour organisation.

The right of employees to join with other employees to organise for the purpose of bargaining collectively is amply protected by federal law, to the exclusion of any state law. However, the alternative—the right to refrain from so organising, the factor that would

make trade union membership in the United States a truly voluntary undertaking—is not sufficiently protected. Labour organisations are permitted, by law, to compel employees to join, regardless of their wishes to the contrary.

Americans and Voluntary Organisations

Americans have traditionally placed great confidence in their chosen voluntary organisations, whether it be their trade union, their employer association, their church or other religious group, their university or college, their political party, or one of the many other organisations that exist. No dissent has been raised to the conclusion expressed recently by Mr. George Meany, President of the A.F.L.-C.I.O. in his initial address as a delegate to the United Nations :

> . . . the extent to which any society is truly humanitarian—democratic rather than paternalistic—depends in very large measure on the initiative and energy displayed by the voluntary organisations in the community—on the extent to which the people themselves, through organisations of their own choice and direction, mould the domestic and foreign policies of their country.

As a matter of fact, Americans place so much confidence in voluntary methods that a vast majority believe that trade unions should, like other organisations of this general type, recruit and hold their membership on the merits of their policies and programmes. For instance, the American Institute of Public Opinion reported recently that 63 per cent. of the general public would vote for legislation prohibiting compulsory trade union membership.

Some experts believe that unions stand to lose the " private voluntary organisation " label—the very virtue which Mr. Meany extols—because of the favours accorded to them by law. As evidence of this sentiment, a writer, not friendly to the right-to-work principle, based a part of his case, in a recent article, on the statement that " . . . trade unions are no longer private associations ; at the very least unions are quasi-public organisations ".[1]

There is logic in this conclusion, too. " Legalised compulsion ", so far as getting and keeping membership is concerned, does not seem to fit the " private voluntary " concept.

As a nation we prefer to rely on voluntary methods, and our suspicions are aroused when compulsion is introduced. The foundation of our labour laws bears this out.

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[1] Dallas L. JONES in *Michigan Business Review* (Ann Arbor, Michigan, University of Michigan), Nov. 1957.

Full Freedom of Association

The basic principle embodied in the Wagner Act and later in the Taft-Hartley Act[1] is protection of "the exercise by workers of full freedom of association". Likewise, a basic purpose of the Railway Labour Act is "to forbid any limitation upon freedom of association among employees".

But what does "freedom of association" mean? Most certainly it means protection of the right to associate. Likewise, it should mean protection of the right to an alternative—the right not to associate. Because, if there is no alternative—no right not to associate—the right to associate is not a right at all.

Freedom implies the right to choose an alternative. Some time ago a committee of distinguished Americans under the chairmanship of Archibald MacLeish wrote "A Declaration of Freedom" for Freedom House, which reads in part—

> What is freedom? Freedom is the right to choose: the right to create for oneself the alternatives of choice. Without the possibility of choice and the exercise of choice a man is not a man but a member, an instrument, a thing.[2]

However, provisos to both federal statutes dealing with labour relations abridge this full freedom by permitting the execution of collective bargaining agreements which require membership in a labour organisation as a condition of employment.

The Railway Labour Act permits agreements that compel union membership "notwithstanding any other provisions . . . of any other statute or law . . . of any state".

State Authority in the Field of Freedom of Association

The Taft-Hartley Act, on the other hand, even though it permits compulsory unionism, leaves the authority to the states and territories to outlaw this practice. This was not when enacted, however, a radical departure from the *status quo*, since even the Wagner Act did not attempt "to make closed-shop agreements legal in any state where they might be illegal".

Today, 18 states have laws which prohibit compulsory union membership. These laws are commonly called right-to-work laws —inferring the right to work without regard to membership or non-membership in a labour organisation.

The Virginia right-to-work statute, often cited as representative, provides in section 1—

[1] The Wagner Act is the National Labour Relations Act of 1935 and the Taft-Hartley Act the Labour-Management Relations Act of 1947. For a full discussion of this legislation see *International Labour Review*, Vol. LVI, No. 2, Aug. 1947, pp. 125 ff.

[2] *Famous Words of Freedom* (New York, Freedom House).

It is hereby declared to be the public policy of Virginia that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labour organisation.]

Thus, right-to-work laws clearly provide that membership in a labour organisation shall be a purely voluntary undertaking—leaving to the individual the true " full freedom " to choose whether he will join a particular union.

Voluntary Unionism versus Compulsory Unionism

Since right-to-work laws simply prohibit compulsory unionism and, so far from offering a deterrent to voluntary unionism, actually promote it, in that they protect membership in a union, the issue here resolves itself into one of compulsory versus voluntary unionism.

Too often, though, when right-to-work legislation is discussed, other issues are injected that cloud and obscure the real question. It cannot be emphasised too strongly that any such discussion is not one of " unionism " versus " non-unionism ", nor one of whether labour unions in general are good or bad, nor even one of what benefits workers may gain through a labour union. The only question is whether an employee should be forced to support a labour organisation, or, for that matter, any organisation.

Views of Union Professionals

Labour union officialdom attacks these laws that promote voluntary unionism with every power at its command. It labels them " right-to-wreck " laws, " union-busting " laws, " anti-labour " laws, and the like

The first charge normally levelled at right-to-work laws is that they will " bust " unions. Much could be written as to the wisdom of maintaining *any* organisation if it can be maintained only by compulsion. But it is not necessary to discuss that question because the experience of the United States shows that union officialdom's lack of confidence in itself is not justified. From 1934 until 1951 the Railway Labour Act prohibited any form of compulsory union membership—i.e. it constituted the equivalent of a right-to-work law. During those years the non-operating unions trebled their membership, registered great gains in their financial positions, and extended their jurisdiction to cover for practical purposes all railroad mileage in the country. " Busted " unions ? Hardly !

Free Rider versus Captive Passenger

The next fusillade from union officials comes in the nature of a charge that right-to-work laws permit " free riders "—that is,

that some employees will not join the union voluntarily, and thus will not pay their share of union expenses.

It never occurs to those raising this charge that it is entirely within reason that such an employee might consider himself to be a " captive passenger " on the union train.

He is a captive passenger when his money is used to support a politician whom he personally opposes, or economic principles and legislation of which he disapproves, or to satisfy the whims and private interests of the union leadership.

He is a captive passenger when the skill and efficiency he exhibits in his work is sacrificed to seniority, or when money is taken from *his* pay envelope to set up an unemployment fund for the " habitually unemployed ".

He is a captive passenger when his money is used to " educate " union members in economic ideas foreign to those in which he believes, and when he is forced to join and support an organisation when he considers membership in it more of a burden than any benefit that might accrue to him.

Compulsory Support for Political Activities

The " free-rider " argument has lost much of its vitality in recent years primarily because present-day labour organisations have become engaged so deeply in political activities. As a matter of fact, Mr. Meany recently admitted that " the scene of battle is no longer the company plant and the picket line—it has moved into the legislative halls of Congress and the state legislatures ".[1]

Union officers engage themselves and their unions in this field extensively. Their activities range from rendering direct financial assistance to political candidates, to providing a medium in union newspapers for the promotion of candidates, and buying radio and television time for them, and to performing a myriad of other chores for the chosen that only a full-time, well-financed organisation can accomplish.

These officers show no hesitancy in entering into the most controversial issues that arise in Congress—issues on which public opinion, which includes rank and file membership, is sharply split. Naturally, general union funds—the dues collected by force from some employees—finance these activities.

It was to compulsory support of this nature that a statute drafted by Thomas Jefferson years ago addressed itself.

In the colonial days of America a " church tax " was levied which supported the church which happened, at that time, to be

[1] *Daily Labor Report* (Washington, D.C., Bureau of National Affairs), 4 Nov. 1955.

the accepted " state church ". Jefferson vigorously opposed this. The end result was the now famous "Statute of Virginia for Religious Freedom ", which contained in its preamble the following passage :

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.

From this statute grew the ideas expressed in the First Amendment to the Constitution of the United States, which protect the right of assembly and the existence of our private voluntary organisations.

Majority Representation versus Minority Representation

Union professionals contend, too, that since United States labour law requires them to represent all employees in a unit, when it is chosen as representative by a majority, that the same law should allow them to require support from all employees.

However, the principle of majority representation is a principle that labour leaders fought hard to get, and it represents the most potent form of " union security " imaginable.

Read what William Green, then President of the American Federation of Labour, had to say before the Labour Committee of the United States House of Representatives on 20 March 1935, in urging the adoption of a majority representation plan to correct an interpretation of the National Recovery Act, which provided for minority representation. Speaking of minority representation, he says—

> . . . It cannot work. It will not work. It never has worked, and there is not any responsible labour man or representative of industry that will say that it will work.
>
> There must be a responsible bargaining agency on one side and a responsible bargaining agency on the other, and there must be uniformity and stability . . . .
>
> . . . We are asking Congress to *right that great wrong which has been done labour.*[1] (The italics are the author's.)

And employers were set up as straw men there, to be knocked down by Mr. Green in his testimony against minority representation.

> But it is so deceptive. The trouble is that the employers of labour simply use these minority groups for the purpose of breaking down the wage structure and for the purpose of creating division and dissension and for the purpose of establishing and perpetuating their own company union.

[1] *Legislative History of the National Labor Relations Act, 1935* (Washington, D.C., Government Printing Office).

The Problem of Union Security

Even if some valid argument could have been raised in favour of " union security " years ago, today it is irrelevant. Because of the " exclusive " character of the unions' bargaining status, there is no possibility that the union scale of wages and working conditions can be undercut, since an individual, even if he would, could not accept employment except on the conditions bargained for by the union.

Today our laws require recognition of the majority representative as bargaining agent, and they force the employer to bargain in good faith with such representative.

Also, the security of the organisation is protected by rules and decisions developed by the National Labour Relations Board designed to stabilise the bargaining relationship. For instance, the representative status of the union is ensured: (1) for a full year following certification by the Board ; (2) for the term of any contract entered into during that year ; (3) for the term of any contract entered into thereafter.

Furthermore, our laws prohibit any discrimination on the part of an employer to discourage union membership. The National Labour Relations Board has been vigilant in enforcing this prohibition against discriminatory practices, which prevents any attack by an employer to weaken the union organisation.

Thus, the old problem of " union security " has been solved by legislation in a very effective manner. The status of the union is secured by law. Its membership, therefore, should be secured by merit.

Majority Rule

Union professionals say that compulsory unionism is rooted in the basic democratic principle of majority rule. However, majority rule in the United States does not mean that the majority party or group can force the minority party or group to renounce its independence, pay homage, and give financial support to the majority party line, and be eliminated by being absorbed into the ranks of the majority. Americans, instead, believe in the rights of minorities, welcome their opinions, respect their viewpoints, and fight to protect their rights and independence as a minority.

Faults of Compulsory Unionism

Protection of this right to choose an alternative would have beneficial effects throughout the entire labour union movement. Louis Hollander, President of the New York State Congress of

Industrial Organisations, made the following criticism of the present situation as quoted in the *New York Times* of 25 February 1957 :

> In many unions there is little sign that the leaders are even trying to maintain contact with their membership. Some seem to feel that union-shop contracts and compulsory check-off of union dues have made it unnecessary for them to know what the members want or need. Too many such leaders live in a world apart—a world in which the badges of achievement are high salaries, expensive automobiles, membership in country clubs and the other appurtenances of wealth.

This is not the only recent evidence that compulsory support cultivates conditions that foster unions which are not run for the benefit of the members. The hearing of the McClellan Select Committee on Improper Activities in the Labour or Management Field were only minutes old when a key witness, Wallace Turner, reporter for the *Portland Oregonian*, testified that " the fear of retaliation is one of the most potent weapons to silence criticism from within the . . . union . . . ". Asked to explain what the fear was, Mr. Turner replied : " That their union cards at least will be taken up and they will be out of employment." The sordid story of the conditions thus fostered has been spread on the pages of newspapers throughout the country.

Summary and Conclusion

In a nutshell, compulsory unionism increases the personal power of union officials since the membership is a captive membership, and one from which allegiance does not have to be won. The financial and economic strength of the organisation, being assured despite the stewardship of the officials, permits those in command to pursue varied and sometimes questionable activities according to their virtually ungoverned whims, with no regard for the membership.

The principle of voluntary unionism, however, provides a permanent safeguard against the abuses of absolute power that develop out of compulsion. What protects the membership is assurance to the member, and advance warning to the official, that the member can leave an organisation when it becomes non-representative of him, or when it becomes an enemy, either to himself or to the community.

If those who voice the need for " democracy in unions " are sincere, legislation prohibiting compulsory membership offers a most excellent avenue to accomplish that end.

II. The Case against Right-to-Work Laws

by

Nathan GOLDFINGER

The controversy over "right-to-work" laws in the United States involves basic issues of trade union organisation and collective bargaining.

As trade unions view it, the current " right-to-work " campaign is the continuation of a long history of anti-union efforts by the two major national employers' organisations and some politicians. After the basic rights of trade unions and collective bargaining were established in federal law and upheld by the courts in the 1930s, a major part of the effort to hamper organised labour and collective bargaining was shifted to the states.

In the past ten years, " right-to-work " laws have been proposed in almost every one of the 48 state legislatures. In many cases they were defeated ; in others, they were repealed after adoption. Most " right-to-work " laws were adopted in 1947, during a nation-wide campaign against trade unions. Eighteen of the 48 states of the United States now have " right-to-work " laws on their statute books. Most of these laws are in the southern states and in some mid-west agricultural states. Only one industrial state has a " right-to-work " law and even this is not a major industrial state.

The campaign to adopt this form of anti-union legislation continues in several states. Some politicians have suggested the possibility that the national Government might pass such legislation.

The advocates of " right-to-work " laws have adopted a high-sounding slogan and, like predecessors of a generation or more ago, they usually use the language of democracy in support of their proposal. Two leading students of labour-management relations in the United States—one a former chairman of the National Labour Relations Board and the other a university professor—have said that such employers' declarations of high principle against trade unionism and collective bargaining are " largely twaddle ". In their book *Organized Labor* they write—

> The typical spokesman for employers opposing the union-closed shop usually reckons with his audience and asserts that the closed shop is un-American, that it keeps the non-union man out of work or compels him to join the union in order to secure employment. This, he says, deprives the worker of an inalienable right. Of course, this is largely twaddle. Under ordinary circumstances, most employers evidently have not cared about anyone's right to work or about coercion applied to the man they have not wished to employ. They perhaps have wished to have unlimited right of

discharge, and the chances are that, while denouncing union compulsion, they, individually, or in association, have attempted to compel non-unionism or company unionism.[1]

What Are "Right-to-Work" Laws?

The term "right-to-work" sounds like the title of a full employment programme. It is, however, a false front. "Right-to-work" laws do not give anyone the right to a job. They do not give a job seeker the right to work. The misleading slogan has provoked one clergyman to declare that these laws "have been conceived in deceit and born in the sin of fraud".

One is compelled to rip off the false, high-sounding mask to find out what these laws do. They ban union security provisions in agreements negotiated by unions and employers. They tell organised labour and employers: you cannot legally enforce a union security provision in an agreement you have reached among yourselves.

What Does Union Security Mean?

Union security refers to a provision in a collective bargaining agreement between a union and employer that makes union membership a condition of employment. There are many different variations and modifications of union security provisions. In general, they fall into the following categories:

(1) Closed shop. Employees must be members of the union at the time they are hired by the employer and must remain members of the union during the period of their employment.

The closed shop is outlawed by the Taft-Hartley Act. "Right-to-work" laws go further; they ban all other types of union security as well.

(2) Union shop. Workers need not be union members when they are hired, but must join the union within a specified time after starting the job, and must remain members while on the job.

(3) Maintenance of membership. Employees who are members of the union at a specified time after the collective bargaining agreement is signed, and all who later join the union, must remain members in good standing for the duration of the agreement.

Since the function of "right-to-work" laws is to bar union security, it is clear to see that these laws do not give anyone a job or a right to a job. The aim of "right-to-work" laws is quite different from their high-sounding title.

[1] Harry A. MILLIS and Royal E. MONTGOMERY: *Organized Labor* (New York, McGraw-Hill Book Co., 1945), p. 481.

In his veto of a "right-to-work" Bill in 1955 Mr. Fred Hall, Republican Governor of Kansas at that time, declared that "the proposal has one real purpose—to ultimately destroy the right of labour to organise and the principle of collective bargaining".[1]

Is There an Absolute Right to Work?

The basic assumption of the advocates of the "right-to-work" principle is that a human being has an absolute right to work, without qualifications or restrictions. They then proceed with their argument that this "absolute right to work" requires legal guarantees against the supposed interference of the union shop and other forms of union security.

This basic assumption is false, and the argument built on it is not related to the real world, in which people work for a living.

When a person looks for a job he does not look for any and all job openings. Instead, he looks for a job for which he is qualified. An electrician does not apply for the job of a linotype operator. A bricklayer does not expect to obtain a job as an electronics technician, without special training and experience. There are conditions and qualifications that have to be met. One of these conditions is ability to perform the required tasks of the job.

In addition, when a person takes a job, he also accepts the conditions that go with it. There are rules and regulations to be followed—such as reporting time, hours of work, payroll deductions for social security and income taxes. We do not insist on the privilege of reporting for work at 9 a.m. when the regulations call for a 6 a.m. starting time. We do not tell the employer that he may not deduct social security and income taxes from our pay.

If we accept the job we accept the conditions that go with the job, until such a time as they are changed. We know that there is no absolute right to work. We know that our right to work is honeycombed with qualifications and restrictions.

A Sole Bargaining Agent for All Workers in the Unit

The union shop or other types of union security are a condition of employment—one of many qualifications and restrictions. This particular condition of employment can exist only where the employer and the union, representing the employees, have agreed to include it in the collective bargaining agreement.

The idea of union security grows out of the American development of collective bargaining and labour-management relations.

[1] *Daily Labor Report* (Washington, D.C., Bureau of National Affairs), 29 Mar. 1953.

In a number of ways the American method of collective bargaining is quite different from the methods followed in most other countries.

According to United States custom and law the union, designated by a majority of employees, is the *exclusive bargaining representative* for all employees in the unit (usually the company, plant, department or craft). There can be only one union recognised as the bargaining representative for the workers in the unit. There cannot be two, three or more unions as the recognised bargaining agent for the same group of workers in the same unit.

The union that is designated by a majority of workers in the unit is the sole bargaining agent. It retains this position until such a time as its bargaining rights, as the chosen representative of a majority of employees in the unit, are successfully challenged by the employer, another union or a group of employees that prefer no union representation at all. If it is challenged, and the majority vote of the workers in the unit is for another union or no union, the previous bargaining agent loses its rights as the representative of the workers in the unit.

Section 9 of the Taft-Hartley Act states—

> Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

When a union bargains with an employer on wages, hours and working conditions, the union bargains for all the workers in the unit, as their exclusive bargaining representative. It does not bargain for its members alone. The idea is the democratic concept of majority rule. A Republican President, elected by a majority vote, is the President of the United States and not of the Republicans alone.

The doctrine of exclusive bargaining rights for the majority union did not spring up suddenly. It developed over the years on the basis of American experience—in a large geographic area and expanding economy, where the labour force has been both mobile and diverse in race, religion and national origin. Multiple union representation, under such conditions, could lead to a multitude of unstable unions and chaotic labour-management relations.

Exclusive bargaining rights for the majority union does away with the possibility of such chaos. It promotes union responsibility —the union is clearly responsible to the workers in the unit it represents as the sole bargaining agent ; there are no other bargaining agents for the workers in the unit to becloud that direct responsibility. It provides the union with a strong incentive to

keep the support of a majority of the workers in the unit. It promotes orderly procedures for collective bargaining. It also tends to free the union from continuing battles with numerous, competing unions, for collective bargaining rights with the employer, during the life of the agreement.

Unions Differ from Other Membership Organisations

The doctrine of exclusive bargaining rights became part of national law in 1935, with the adoption of the Wagner Act. It has been carried over in the Taft-Hartley Act and has been upheld by the courts.

If the union fails to represent fairly all the workers in the unit, its basic bargaining rights may be challenged. In such a case the courts may rule that the union has violated the law.

For example, in a case where a union wanted to charge a fee for processing the grievances of non-members, the National Labour Relations Board said it could not, that " an organisation which is granted exclusive bargaining rights under section 9 [of the Taft-Hartley Act] has, in return, assumed the basic responsibility to act as a 'genuine representative of all of the employees in the bargaining unit ' ".

Most unions do not have to be told to represent all of the workers in the unit—they do it because it is good trade union philosophy. But the law underscores this responsibility of unions.

United States unions, therefore, are unlike other types of membership organisations. Their legal rights and obligations are different from those of fraternal or veterans' organisations, professional associations or churches.

Fraternal orders and other membership organisations, such as farm associations, perform services. They are not required by law or custom, however, to perform services for non-members, as well as members. Veterans may join veterans' associations if they wish. But no veterans' association is required to perform services for those who are not members.

The union, however, as the sole bargaining agent, is compelled by custom and law to perform similar services for all workers in the unit, whether or not they are union members.

The Burden of the Exclusive Bargaining Representative

The burden of representing all the workers in the unit is a difficult one. The cost of negotiating a collective bargaining agreement must come out of the union's treasury. The agreement covers the wages, hours and working conditions of all the workers

in the unit. While the agreement may be negotiated by the local union, in most cases the national union is directly or indirectly involved in the negotiating. Some national unions have as many as one thousand to five thousand or more collective bargaining agreements with employers. Various levels of union organisation bear part of the financial burden of collective bargaining negotiations.

Enforcing the collective bargaining agreement, on a day-to-day basis in the workplace, is the function of the local union. In processing the grievance of any worker in the unit the local union agent or steward may have to be reimbursed. If the grievance is not settled and proceeds to arbitration, half of the arbitrator's fee is usually paid by the local union. In its efforts to enforce the collective bargaining agreement in the workplace the local union is assisted by the national union.

To protect the rights and to advance the working conditions of all workers in the unit the union requires a staff and the assistance of trained specialists such as lawyers, economists, industrial engineers and public relations experts. Some of these staff members and specialists are usually involved in negotiating agreements with employers. Some of them also usually assist local unions in enforcing the collective bargaining agreement and in processing workers' grievances.

Union representation leads to benefits for all workers in the unit—both union members and "free riders", the non-paying, non-members who enjoy the benefits of trade unionism. Mrs. Elinore Herrick, when she was personnel director of the *New York Herald Tribune*, one of the leading Republican papers in the United States, stated in 1954—

> Hardly a day passes on my own job that I am not aware of how much trade unionism has done to raise the wage level, to protect workers from unjust discharge, and to improve working conditions .... Because so much of the present well-being of the workers is due to the efforts of the unions through collective bargaining, I do not really like "free riders" myself....[1]

Is it unreasonable, then, for the union to demand that all workers in the bargaining unit should contribute financially to the exclusive bargaining agent that represents and serves them? Can society properly sanction the non-member that refuses to assume his share of the burden of citizenship in an industrial community?

Tax payments are one form of obligation that we owe to the organised group to which we belong and which serves us. They

[1] *Proceedings of the Academy of Political Science, May 1954* (New York, Columbia University, 1954), p. 21.

are a price-tag for the privilege of living in organised society. Union membership and the payment of dues are obligations that workers owe to the exclusive bargaining agent that serves them in collective bargaining with the employer and in protecting and advancing their interests in the place of work.

The Non-Member Is a Tax Dodger

The non-paying, non-member who enjoys the benefits of trade unionism is like a member of a democratic community who refuses to pay taxes for the upkeep of the schools, parks, police and fire departments and refuses to vote in community elections, where he has the opportunity to change community leaders and policies. Such a citizen is not merely anti-social; he is a threat to the continued health and safety of the community.

It is similar in industrial relations. The non-member refuses to accept his social obligations to the exclusive bargaining agent that represents him and all other workers in the unit. His fellow workers view him as a self-appointed person of special privilege. He is a threat to the continued peace and order of collective bargaining. Dues-paying union members view non-members as an insult. The presence of non-members creates a situation that is fraught with danger to peaceful relations and uninterrupted production. In an environment where the union believes that a large number of employers accept collective bargaining as an imposition at best, unions tend to view the continuing presence of non-members in the bargaining unit as a threat to their very existence.

Reasonable people, therefore, have long recognised the legitimate right of the exclusive bargaining representative to receive financial support from all the workers in the unit.

To accept the idea that all workers in the bagaining unit have an obligation to support the exclusive bargaining agent is to accept union security in one form or another. The basis of union security is the simple idea: the union that is the bargaining agent for all the workers in the unit should be supported by all the unit's workers.

Payment of union dues, however, is not enough to qualify workers as good citizens of the industrial community. Unions are not mere agencies for the collection of dues. They require the payment of dues to maintain the organisation's functions. But they want and need not just dues-payers but active members who attend meetings, discuss and vote on issues, and vote in union elections. Democratic trade unionism requires the active participation of all workers in the unit in the affairs of the union that represents them.

Workers Want Union Security

In some trades the union shop goes back about one hundred years. In some cases union security provisions in collective bargaining agreements have been in force on a continuing basis for thirty or forty years or more.

Under the original terms of the Taft-Hartley Act, adopted in 1947, a union could not negotiate a union security provision in a collective bargaining agreement unless a majority of workers in the unit voted for union security. For a period of about four years, up to 22 October 1951, when the Act was amended, the National Labour Relations Board conducted 46,119 secret ballot elections and union security won 97 per cent. of them. In these union security elections there were 6,542,564 workers eligible to vote; 5,547,478 valid ballots were cast in the polls, and 91 per cent. of these votes were cast in support of union security.

" Not until government conducted the elections required by the Taft-Hartley Act " states Professor Sumner Slichter of Harvard University " did the country realise how strongly workers favour the union shop."

Furthermore, the vast majority of employers who have direct relations with trade unions in their own establishments have agreed to union security provisions in contracts with unions. In a study of 1,716 major collective bargaining agreements covering 7,404,600 workers in 1954, the United States Department of Labour found that 79 per cent. of the agreements, covering 81 per cent. of the workers involved, had some type of union security provision.

Many students of industrial relations in the United States, if not most of them, agree that union security agreements contribute benefits to management, as well as to unions. Peter Drucker, the prominent managemant consultant, states that "union security is also in the social interest. Without it, no union can be expected to accept the responsibility for labour relations and for contract observance which our society must demand of a successful union movement." [1]

Unions Are Reasonable

Unions do not wish to violate the scruples of individual workers. Where such scruples are genuinely involved unions generally make special arrangements.

When a worker joins a union he is usually required, by the

[1] *Annals of the American Academy of Political and Social Science* (Philadelphia, University of Pennsylvania, 1951), p. 148.

union's constitution, to take an oath of obligation. A few religious groups, however, prohibit their adherents from taking oaths of obligation to organisations not connected with their church.

Most unions are reasonable in handling the problem of an individual worker whose religious faith may prevent him from taking an oath. The constitution of the United Steelworkers of America, for example, states that " No applicant for membership shall be regarded as being a member in good standing until the full amount of his initiation fee has been paid and the obligation has been administered, except in such cases where the applicant has religious scruples against taking the obligation ".

The United Auto Workers and the Upholsterers' International Union have agreed with the Seventh Day Adventists to permit members of that faith to work in union shops, without joining the union, on the payment of sums equivalent to union dues to be allocated to charities. Other unions have similar arrangements.

While insisting on the duty of all workers in a union-represented unit to pay union dues and join the union, most unions have shown sincere willingness to arrive at some special arrangements with those few individuals whose religious scruples may forbid membership in an organisation not connected with their church or the taking of an oath of obligation to such an organisation.

What Do Unions Want ?

The objectives of American trade unions are similar to those of free trade unions in other democratic countries. They are related to protecting and improving the wages, hours, working conditions and standard of life of wage and salary earners—protecting democratic rights and processes and strengthening the social order.

The major effort of American trade unions is in collective bargaining—negotiating collective bargaining agreements with employers and enforcing the agreements on a day-to-day basis in the place of work. Legislative and political activities are likewise important functions by which the trade unions protect and advance the interests of working people, as workers and as citizens in a democratic society.

Organised labour has been in the forefront of the effort to improve the living conditions of the American people generally, while protecting and advancing the cause of democratic rights and free institutions. It is not surprising, therefore, to find organised labour in the forefront of the effort to achieve full civil rights for all groups in American society. Neither is it surprising to find that the two major employers' organisations that lead the drive for " right-to-work " laws are absent from the effort to advance the

cause of civil rights and civil liberties, despite the high-sounding slogan of their proposal.

The policies and practices of American unions are an outgrowth of American development and experience. That experience has included a mobile labour force in a large geographic area ; a growing economy with industrial expansion and migration ; great diversities of race, religion and national origin ; and strong hostility on the part of employers towards collective bargaining and trade union organisation. Even today, after two decades of widespread collective bargaining in most parts of the industrial economy, Professor John A. Fitch of the New York School of Social Work writes that " there are elements in industry which, although apparently accepting the permanence of unionism, seem constantly poised for attack as is made manifest by speeches, interviews and widely distributed pamphlets. More important ... is the existence of uncompromising and ruthless opposition to unionism in regions where organisation has made little headway." [1]

American trade unions view the current " right-to-work " campaign as part of a continuing attack on trade unionism and collective bargaining by some employers and politicians. They consider this drive for " right-to-work " laws as a technique to halt the further spread of trade union organisation, to undermine the strength of existing unions and, eventually, to weaken or destroy the entire fabric of trade unionism and collective bargaining.

Trade unions in the United States are convinced that union security is essential, in the light of their experience and the custom and law of labour-management relations. American trade unions, however, do not want union security provisions by government order. Trade unions do not want the federal or state governments to dictate the terms of collective bargaining contracts to employers or to unions. What they seek is the right to sit down with employers and to attempt to work out union security provisions in collective bargaining agreements.

To those who believe that " right-to-work " laws may be required to curb abuses by a few union officers, it should be suggested that it is not necessary to cure an infection by killing the patient. " Right-to-work " laws do nothing to curb corrupt persons, racketeers, or Communists who have infiltrated a minor part of organised labour. Some specific corrective measures, directed at rooting out corruption, are needed, as the A.F.L.-C.I.O. has suggested in its support of public disclosure of the financial operations of all welfare funds—a measure that is opposed by the two em-

[1] John A. FITCH : *Social Responsibilities of Organized Labor* (New York, Harper and Brothers, 1957), p. 203.

ployers' organisations that lead the " right-to-work " drive, because it would compel disclosure of the operations of funds managed by employers as well as of those under joint or union management. But " right-to-work " laws are no corrective for corruption among unions or employers in labour-management relations. Instead, they strike at the heart of trade unions and collective bargaining.

Of interest, too, is the absence of any suggestion from the two major employers' organisations that lead the " right-to-work " campaign for corrective measures to stamp out corruption and illegal anti-union practices by employers and their paid agents. Indeed, there has been no comment from these " right-to-work " leaders on the corrupt and " union-busting " activities of some major companies, as revealed by recent Congressional hearings on the practices of unions and employers.

Trade unions, like other associations of human beings, including employers' organisations, are less than perfect. Some corrupt individuals, racketeers and Communists have infiltrated into some portions of American unions. The Executive Council and the Ethical Practices Committee of the A.F.L.-C.I.O., to which most United States unions are affiliated, have been trying to cleanse organised labour's ranks of corruption ever since the A.F.L. and C.I.O. merged into one confederation two years ago. In some cases action has been taken ; other A.F.L.-C.I.O. actions are pending. Furthermore, there are national, state and local laws to prosecute criminal actions and legal violations by corrupt elements in the ranks of the trade unions and the employers.

American trade unions have fought against great odds to build and maintain their organisations. They consider their opposition to " right-to-work " laws as part of the current effort to protect and build trade unions and extend collective bargaining.