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## “Compulsory Unionism” and Its Critics: The National Right to Work Committee, Teacher Unions, and the Defeat of Labor Law Reform in 1978

In 1977, a bill to better enforce the National Labor Relations Act (NLRA) sailed quickly through the House of Representatives. Facing a Senate filibuster, its proponents weakened the proposal—making it, according to historian Jefferson Cowie, “lean, moderate, and basically unchallenging to the corporate order.”<sup>1</sup> Even in its attenuated state, however, the bill would have curbed the most flagrant violations of private-sector workers’ rights. Though this version reached the precipice of the supermajority necessary to invoke cloture, it ultimately fell two votes short.

This article seeks to understand how antiunion activists defeated organized labor’s last big legislative opportunity to reverse its fortunes in the wake of deindustrialization and an onslaught of corporate attacks in the 1970s. Indeed, the right’s success in stymieing labor reform was decidedly momentous, especially because the law represented such a modest change. Kim Phillips-Fein has shown that a half a century of activism from market fundamentalist intellectuals and anti–New Deal businessmen paved the way for the formation of the Business Roundtable—a group of powerful CEO’s from Fortune 500 companies—and politicized other somnolent forces like the

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Chamber of Commerce. In fact, she shows that by the 1970s there was a robust, consciously political “business activist movement.” Kim Moody’s account of the failure of the bill—as “labor’s major agenda point of the decade”—centers on the pushback from anti-labor corporate activism, in particular the Roundtable.<sup>3</sup>

What should be added to this historiography, however, is further insight into how anti-labor forces succeeded in mobilizing public opinion against unions in order to prevent cloture. This article argues that while direct lobbying on the part of the Roundtable and the Chamber of Commerce was significant, the filibuster effort would not have succeeded without the growing legitimacy of the view that unions opposed both the public interest and the rights of individuals through the guise of “compulsory unionism.” In other words, a fuller explanation for the failure of the Labor Reform Act should include the long-term discursive case made by groups such as the National Right to Work Committee (NRTWC) that the labor movement had gained too much power.

Within the first decade following the advent of the National Labor Relations Act (NLRA, or Wagner Act, 1935), anti-labor groups challenged—in both the court of public opinion and the actual courts—the legitimacy of union security clauses.<sup>4</sup> Following the spread of public-sector collective bargaining in the 1960s and ‘70s, however, the NRTWC’s effort increasingly focused on public employees, and this critique began to find greater traction. In particular, the organization argued that union officials used their “monopoly” power to force teachers to join unions against their will and the public, as a consequence, to pay excessive costs for inferior services. In short, the anti-union right leveraged its criticism of “compulsory unionism” in the public sector to mainstream a broader argument emphasizing the protection of individual rights instead of the higher pay and workplace protections unions offered against employers. Mobilizing these views effectively against the labor reform bill in 1978, in turn, represented a logical outgrowth. Indeed, the work of anti-union groups like NRTWC in the 1970s underscores a significant historiographic point: often, historians treat public- and private-sector labor separately—sometimes, for good reason, given the very real differences in labor law, bargaining concerns, and organizing tactics. As this article shows, however, their histories also intersect in important ways, and critics of both sectors of the labor movement in this case used those connections to undercut the position of each.

## THE LABOR REFORM ACT OF 1977

Jimmy Carter was not the ideal candidate of the labor establishment in 1976: as governor of Georgia he had supported the state's right-to-work law. On the campaign trail, however, Carter had benefited immensely from labor's help. In 1977, then, the AFL-CIO hoped that, even with a lukewarm president in the White House, the two-thirds majority of Democrats in the House and the sixty-one Democrats in the Senate (in addition to some liberal Republicans who could offer support in place of southern Democrats opposed to unions) could pass significant labor reform legislation.<sup>5</sup> Initially, strategists hoped to repeal the most onerous provision of the Taft-Hartley Act's 1947 revision of NLRA, which ensured the right of individual states (like Carter's Georgia) to pass statutes allowing individual workers in a bargaining unit to benefit from a contract without contributing to union representation costs. Instead, labor settled on the more modest goal of buttressing the enforcement mechanisms of the Wagner Act to make it more difficult for employers to delay union drives and shirk contract negotiations.<sup>6</sup>

The Wagner Act needed to be reformed, by the late 1960s, for several reasons. To begin, corporations had increasingly fired employees who tried to organize. Though the law forbade this practice, the only restitution was to force the employer to rehire the employee with back pay. From the mid-1960s to the mid-1970s, in fact, unfair labor practice complaints more than doubled, while it typically took a year or more for the overburdened National Labor Relations Board (NLRB) to issue a decision and another year to win a court appeal by the company. Assuming a group of workers requested a representation election, corporations could inundate them with anti-union propaganda. If workers still managed to win an NLRB election, many corporations' savvy attorneys contested it, a process that could take up to another year. At that point, companies could then essentially just refuse to bargain.<sup>7</sup>

The labor reform bill intervened at each point of the unionization process to better enforce the law. First, it proposed to increase the size of the NLRB to expedite decisions on unfair labor practices. Second, it would have forced employers to provide double back pay to workers fired for organizing and bar the offending company from federal contracts for three years. Next, it would have sped up representation elections and given union representatives time equal to that used by the employer to sway workers before a vote. Finally, the law proposed to mandate contracts when employers dragged their feet in bargaining.

Unfortunately for the bill's backers, it left committee in early 1978, at almost the exact time that the Panama Canal treaty went to the floor. Since ratification of the treaty represented a much higher priority for Carter, floor debate on the Labor Reform Act was delayed for months, giving anti-union ideologues and corporate interests ample time to mount an opposition campaign.<sup>8</sup> Following a massive effort from the National Chamber of Commerce, the Business Roundtable, and the NRTWC, a group of senators led by Republicans Orrin Hatch (Utah) and Richard Lugar (Ind.) filibustered the bill for three weeks in May and June 1978. After two failed efforts to invoke cloture, proponents sought sixty votes by changing the bill to extend the deadline for representation elections, lifting the loss of federal contracts once the offending company stopped violating the law, and limiting the proposed "equal access" for labor organizers. Though weaker, the bill would have still given unions some real tools to combat corporate resistance. After four more attempts to invoke cloture, however, the bill remained two votes short of President Carter's desk.

The vote did not break down entirely along party lines: in the 58–41 vote that came closest to ending debate, fourteen Republicans voted for the bill and fifteen Democrats opposed it. Part of the bill's failures resulted from regional differences as most of the opposition came from delegations in right-to-work states in the South and West, such as Barry Goldwater (R-Ariz.) and Fritz Hollings (D-S.C.).<sup>9</sup> Indeed, the public pressure exerted on fence-sitters in the Sunbelt like Dale Bumpers (D-Ark.) and Russell Long (D-La.) made it impossible to vote for cloture without serious political risk. Finally, even for liberal northern Republicans like Charles Percy (R-Ill.) and John Heinz (R-Pa.), who represented heavily unionized constituencies, the potential law had to be weakened in order to swing their votes toward cloture (both voted against the original Senate version).

To understand why a bill that hardly strayed from the basic goals of half a century of labor law failed, it is necessary to consider the long-term project of anti-labor groups to reframe political assumptions about unions. The NRTWC provides an instructive example; indeed, the organization found that its most successful strategy in framing all unions as stifling workers' rights and harming the public was its critique of public-sector unions—especially teachers.

#### **THE NATIONAL RIGHT TO WORK COMMITTEE AND THE FIGHT AGAINST "COMPULSORY UNIONISM"**

During the New Deal era, the notion that unions opposed the interests of both their own members and the general public had a long history. As David

Witwer has shown, anti-union journalists like Westbrook Pegler, as early as the 1930s and '40s, used legitimate exposés of union scandals to make broader, unwarranted generalizations about unions. Other critics trained their eyes squarely on union shop agreements, which mandated that workers join the union within a specific period of time or risk losing their job. As Sophia Lee's work has shown, as early as the 1940s the Cecil B. DeMille Political Freedom Foundation and other groups attempted to assert a "workplace constitution" that would allow workers to avoid contributing to unions as a condition of employment.<sup>10</sup> Indeed, well before the NRTWC existed, groups like the DeMille Foundation and the Christian American Association used the terminology of "compulsory unionism" to critique union security clauses.<sup>11</sup> As Joseph McCartin and Jean-Christian Vinel have shown, the libertarian law professor Sylvester Petro also helped pioneer an intellectual challenge to New Deal labor policy. In the late 1950s and '60s, Petro criticized what he characterized as the excessive power of private-sector unions and the liberal state buttressing them. In the 1970s, however, Petro's work with the Public Service Research Council (PSRC) trained his attacks on public-sector workers and helped to "generate a series of crucial legal battles in the next decade that weakened union protections and continues to provide a powerful intellectual resource in anti-union struggles down to the present day."<sup>12</sup>

These studies have laid important groundwork in understanding the wider purchase of the narrative that unions wielded excessive power, but this story is incomplete without an in-depth examination of the NRTWC's crucial effort to use legal challenge around teachers to popularize such a notion. Founded in 1955 to bring together many different opponents to union security agreements, the organization became a major player in national politics after Reed Larson—a Kansan who organized the only victory for anti-union security forces in 1958, when he successfully made his home state right-to-work—became the NRTWC's executive director. After taking over, Larson lobbied assiduously to prevent a full repeal of the Taft-Hartley Act's right-to-work provision, most significantly securing a Senate filibuster in 1965. In addition to challenging the "union shop," the NRTWC also attacked the "agency shop": an arrangement in which union membership was not compulsory but workers who did not belong to the union contributed fees for representation in collective negotiations.<sup>13</sup> Though Larson and other representatives of the group consistently argued they did not oppose unions, the fundamental core of the NRTWC's critique rested on the assertion that unions leveraged illegitimate power to stifle the freedom of employers, nonunion employees, and consumers. The group's biggest strategic innovation in the Larson era was the

creation, in 1968, of its legal arm—the National Right to Work Legal Defense and Education Foundation (NRTWLDEF)—which consciously modeled its tactics on the National Association for the Advancement of Colored People (NAACP)’s century-long efforts to fight segregation in the courts.<sup>14</sup>

Though right-to-work groups had used civil rights appeals before, the NRTWLDEF raised the stakes. With its first major case—underwriting the campaign of a small minority of Detroit teachers to strike down the agency shop provision of Michigan’s public-sector bargaining law—the NRTWC moved squarely to place public-sector unions at the center of its larger strategy.<sup>15</sup> This strategy was far from surprising, given the dramatic growth—and controversy—of public employee unionism in the late 1960s and ‘70s.<sup>16</sup> Though all public-sector unions, because of their connection to taxes and public policy, were inherently controversial, the number of lengthy, acrimonious, and illegal strikes by teachers across the United States during this period made teacher unionism especially contentious.<sup>17</sup> Furthermore, teacher and other public-sector conflict was tied to the high inflation that eroded purchasing power in the 1970s. By the end of the 1960s, in fact, inflation had become a serious problem. For a variety of reasons—not the least of which was the Johnson administration’s spending on Vietnam without raising taxes—inflation increased in the late 1960s, reaching 6 percent by the end of 1969. By late 1974, exacerbated by the OPEC oil embargo beginning the year before, inflation reached double digits. It would not fall below 6 percent until 1983, and public employees, pushing for contracts to keep up with inflation themselves, were often blamed for rising prices.<sup>18</sup>

Teachers in Detroit enjoyed collective-bargaining rights thanks to Michigan’s Public Employee Relations Act, signed into law by Republican George Romney in 1965, and the Detroit Federation of Teachers (DFT) became one of the first locals of the American Federation of Teachers (AFT) to sign an exclusive bargaining contract. In 1969, the DFT and the Detroit Board of Education negotiated a contract in which all teachers were compelled to pay agency fees. In response, two teachers—Christine Warczak and Ernest Smith—formed a group called Detroit Teachers Opposed to Compulsory Unionism (DTCU) to challenge the arrangement’s constitutionality. Whether the group was formed at the behest of the NRTWC is unclear, but the legal challenge would not have gone far without the group’s backing—over \$100,000 by early 1970.<sup>19</sup> The NRTWC backed DTCU enthusiastically since it was headed by two rank-and-file teachers (one of whom—Smith—was an African American and a former union organizer), who could stake a claim as a grassroots organization fighting a civil rights campaign.

Indeed, one of the group’s first letters—sent to Detroit teachers to attract more litigants—situated the effort within the trajectory of 1960s social movements: “No teacher should be forced to pay a union as a condition of employment. . . . Isn’t the right not to join a union a ‘civil right?’” Written by Warczak, the letter characterized the agency shop as the work of a “tiny group of union leaders” and asserted that the school board had only signed the contract because “a majority of the Board are union-sponsored, union-backed and union-financed.”<sup>20</sup>

Responses to the DTOCU’s entreaties in 1969 and 1970 indicate that not many Detroit teachers believed they were victims of a union that had substantially raised teachers’ wages and brought them more workplace rights. About six hundred of the city’s twelve thousand signed on to the class-action suit, a not insignificant amount. Still, pro-union teachers sent DTOCU a scathing series of messages opposing the lawsuit. A “DFT member for over twenty years” responded to the effort by asking “how else can the burden be shared equally?” Teacher Steve Dobkowski Jr. asserted that “your drive to stop the agency shop is a complete waste of time and money. Not a single child is being helped . . . *period*.” An anonymous response suggested that the DTOCU “read the history of American unionism! You are so wrong and wasting your time!”<sup>21</sup>

Strident opposition from many teachers did not deter the DTOCU leaders from pursuing the case. After defeat in the Wayne County court, the organization appealed to the state court in 1970. During this time, the NRTWC used the effort as the centerpiece of its fund-raising and public relations campaigns. The November–December 1969 newsletter of *Free Choice: Monthly Round-Up of Labor News for Employees Who Think for Themselves* reported on the lawsuit, prominently pointing out that DTOCU sought to overturn agency fees because “teachers are being deprived of their civil rights.” The next issue, while pointing to Smith’s working-class *bona fides* as a former union official, published similar rhetoric from the DTOCU vice president. Smith asked his readers, “from one teacher to another . . . [to] stand up with us and help restore freedom of choice—not only to Detroit teachers but to teachers throughout the entire state of Michigan.”<sup>22</sup>

A 1973 NRTWC publication entitled *Right to Work Profiles* perhaps best shows the organization’s strategy of placing public-sector unions—especially those of teachers—at the center of its efforts. Teachers represented two of the profiles in the high-production-quality pamphlet. The first profile was of Ernest Smith, and the second was of Carol Applegate, a teacher in Grand Blanc, Michigan, who was fired because she would not pay agency fees to the

National Education Association (NEA) affiliate responsible for bargaining in the school district. She had thus become a “pound of flesh” given to the NEA. Applegate, though, was a “fighter,” not only standing up for workplace rights but also for the intellectual freedom of posterity. “The only way we can be sure of a free America,” claimed the former teacher, “is by having students who are taught to think by teachers who are allowed to think. That’s why the compulsory agency shop—or compulsory unionism in any form—has no place in our school system.”<sup>23</sup>

In addition, *Right to Work Profiles* dramatically claimed for the right-to-work movement the legacy of civil rights. Another profile was that of Jim Nixon, a board member of Michigan Citizens for the Right to Work. Nixon was not only a former member of the American Federation of State, County, and Municipal Employees (AFSCME) but also a civil rights activist. The profile lauded him for “preserver[ing]” to get an education while admitting that it “may have been harder” for him as “a black man.” “But then,” the feature continued, “someone stepped on his civil rights.” The someone was the Democratic mayor of Detroit, Jerome Cavanagh, who signed an agreement in 1969 with an AFSCME local requiring city employees to pay an agency fee. Nixon took his “rebellion” to the courts. The piece concluded that his efforts to have the agency shop declared unconstitutional represented the logical extension of the civil rights movement: “As someone who for years has been greatly concerned with civil rights, Jim makes it plain that he ‘not only speaks as a black man but as a human being, an American, who is very interested in rights and freedoms for all Americans.’”<sup>24</sup>

The challenge of Smith and Nixon documented by *Right to Work Profiles* offered a heterodox definition of civil rights. As Reuel Schiller has shown, the NAACP had prominently opposed state-level right-to-work campaigns in the 1950s, even as it criticized predominately white unions for not vigorously pushing for blacks to have equal access to good jobs.<sup>25</sup> Further, the Black Power movement then emerging in many American cities focused on rectifying systemic inequality through the development of black institutions, something that ending the agency shop was quite unlikely to do. As in New York and Chicago, activists in Detroit clashed with school boards and unions over the paucity of African American teachers in the postwar era and the lack of responsiveness to the needs of black students. But neither of these represented the critique levied against unions by the NRTWC or the DTOCU: instead of pushing for compensatory consideration of the disadvantages facing black teachers and/or black students as activists did in Detroit in the late 1960s, the right-to-work critique instead argued that excessive union



power at the expense of the individual (white or black) represented a civil rights violation of the highest magnitude.<sup>26</sup>

This effort by the NRTWC is significant because it actively reconfigured the historical narrative of the labor movement. When the anonymous responder to Smith's entreaty to join the lawsuit told him instead to "read the history of American unionism" he or she understood that without some form of organization—and even some limited degree of compulsion—most American workers (teachers included) would have continued to toil for low pay, limited job security, and few workplace protections. The NRTWC profiles of anti-union workers like Smith, Nixon, and Applegate highlight the emergence in the 1970s of a widespread political strategy on the right of forging the interests of beleaguered working people with economic conservatives against a union and government bureaucracy supposedly intent on suppressing the freedom of the individual.

Arch-conservative entertainment magazine *Readers' Digest* helped to popularize this narrative in the mid-1970s. The November 1975 issue ran a piece by Kenneth Tomlinson featuring Anne Parks, a litigant in the class-action suit. Parks had taught in Detroit for thirty years but received a termination notice in 1970 (which, the author only pointed out several paragraphs later, had been almost immediately rescinded) for refusing to pay agency fees. This injustice, according to Tomlinson, was of the utmost consequence for "everyone concerned with preserving basic freedoms in America." Just like the NRTWC's portrait of Smith and Applegate, the article skewered the DFT for forcing Parks to pay "dues" to the union. Tomlinson did not frame Parks's effort as a refusal to contribute for the dramatic salary increases she had received as a result of collective bargaining; instead, the article explained her courage in defying the union as the consequence of "hard work and self-reliance." The piece concluded by leaving the courts with a stark choice: "Now it's up to our judiciary to decide whether Anne Parks . . . and uncounted others must join and finance teachers' associations and unions in order to continue teaching."<sup>27</sup>

As the second highest circulating periodical in the 1970s (after only *TV Guide*), it was evident that such a narrative articulated in *RD* represented an important political intervention. AFT president Albert Shanker clearly understood the ramifications and wrote personally to the magazine's editor. Shanker objected to the piece's "calculated misrepresentation" that Parks had been "forced" to pay "dues." Rather, "an agency service fee" was a "tax levied for services rendered whether the employee requests the services or not. In this case, I am sure Anne Parks would not deny that the services of the Detroit

Federation of Teachers have produced substantial material gains and improved working conditions for her in the years since 1964.” Shanker further argued that the author disingenuously conflated “dues” and “fees” to further the NRTWC’s agenda: “These attempts to portray the agency shop as a threat to civil liberties are so transparently biased as to suggest an ulterior motive, and indeed, the author’s mention of the National Right-to-Work Committee’s role in this affair suggest what this motive is.”<sup>28</sup>

Both Tomlinson and his editor disavowed the influence of the NRTWC.<sup>29</sup> Still, the magazine did more in the upcoming months to popularize the organization’s characterization of public-sector unions. The January 1976 issue, for instance, included a piece condensed from the *Wall Street Journal* entitled “The Undoing of Great Britain: A Textbook Case of How to Ruin a Once-Vigorous Economy.” It argued, in a cautionary tale, that generous public services and “militant trade union leaders” together were responsible for the inflation, decline of productivity, and “want of capital” plaguing the U.K. The next month, *Readers’ Digest* published an article by Paul Friggins titled “Teachers on the March.” It chronicled teachers’ salary gains since the 1960s and argued that their unions had become too powerful: “The NEA will soon pass the Teamsters as the nation’s largest single union, and in time it may merge with the AFT. . . . If these groups get together, they’ll form one of the world’s biggest, most powerful unions.” Because teachers had used the strike tactic, the piece continued, they may “have won some impressive gains, [but] often they have done so as the expense of their professional image and their students’ welfare.” Friggins concluded that “the public fears what teacher power could do to citizen control of our schools.”<sup>30</sup>

Furthermore, by the mid-1970s, other politically active anti-union groups had begun to use the language of the NRTWC to refer to public-sector unions. In the fall of 1974, for example, Congress considered extending federal collective-bargaining rights to state and local employees. The national Chamber of Commerce’s public response that such a “drastic action” would lead to “compulsory unionism” in the public sector aped the response of the NRTWC that public employees would “be compelled to buy their jobs . . . from union officials.”<sup>31</sup> As Joseph McCartin has documented, the law failed in part because of this conservative backlash and was definitively defeated when the Supreme Court, citing the Tenth Amendment, circumscribed the federal government’s jurisdiction over state and local labor conditions in *National League of Cities v. Usery* (1976).<sup>32</sup>

By 1975, the Michigan court of appeals had heard the DTOCU’s case. In their brief for the court, the DCOTU’s legal representatives argued that

agency fees controverted the “public interest.” Whereas the Wagner Act protected the rights of private-sector workers to strike, the reasoning went, the Michigan public employee law “was not adopted to strengthen the collective economic power of public employees. It was passed to give them, through their chosen representatives, a voice in the terms and conditions of employment. . . . More than that was not provided.” Following this logic, the agency shop also violated workers’ individual freedom: “The American Federation of Teachers and the Detroit Federation support strikes and do not hesitate to resort to strikes to gain their ends. Under the agency shop clause, teachers who do not approve of strikes in violation of law are forced to contribute financially to the support of an organization which openly espouses illegal strikes.”<sup>33</sup> The Michigan appellate court did not find this argument persuasive, however, upholding the constitutionality of agency fees.<sup>34</sup>

The next step was the U.S. Supreme Court. Seeking a *writ of certiorari*, attorneys for the DTOCU pointed to the growth of public-sector power, arguing that “with the recent advent of militant public-sector unionism and the passage of state statutes providing for collective bargaining through exclusive representatives in the public sector,” the question of agency fees was “of great public importance.”<sup>35</sup> After the court agreed, the DTOCU and NRTWC turned to Sylvester Petro in November 1976 to argue the case. Petro urged the Court to throw out all agency shop clauses on the grounds that they violated the first amendment rights of public employees.<sup>36</sup> In a unanimous opinion written by Justice Potter Stewart, the court disagreed. Building on case law for private-sector unions, the court asserted that “the desirability of labor peace is no less important in the public sector, nor is the risk of ‘free riders’ any smaller.” Further, while the goals of public-sector work may have differed from private-sector labor, “public employees are not basically different from private employees; on the whole, they have the same sort of skills, the same needs, and seek the same advantages.” Still, DTOCU, NRTWC, and Petro scored a limited victory since the court also upheld a lower court ruling that agency fees could only be used for bargaining and not for more overtly political purposes such as campaign contributions.<sup>37</sup>

Though the DTOCU and the NRTWC were largely defeated after years of legal wrangling, the effort was not fruitless. In addition to the limited legal win, the groups also furthered the narrative—through the NRTWC’s fund-raising efforts and *Readers’ Digest’s* publicizing the case—that labor unions, especially in the public sector, did not protect workers and promote democracy but served as stifling bureaucracies trampling both workers’ rights and the public interest.<sup>38</sup> The freedom fighters in this narrative were

activists like Ernest Smith and Anne Parks toiling against an oppressive system. If unions had their way, the United States would follow the “textbook case” of a ruined nation like Great Britain, quashing the Jim Nixons and Carol Applegates along the way.

### THE LABOR REFORM BILL: DEBATE AND DEFEAT

While the Labor Reform Act bill sailed through the House, its trajectory in the Senate was contentious. The Senate Human Resources Committee hearings presaged the way anti-labor forces would use the arguments pioneered by the NRTWC to attack reform. The bill was in little danger of not reaching the floor, but adverse testimony in the hearings—spurred on by the chief Senate opponent Orrin Hatch—quickly redirected the debate from the inadequacy of existing federal labor law into a heated discussion about the appropriateness of unions and the governmental framework that buttressed them.

For supporters of reform, the goal was clear: show the significance of the Wagner Act and how employers intentionally circumvented it. Secretary of Labor Ray Marshall, for instance, argued that government intervention in labor relations brought “order and stability” that benefited both workers and the public. “In recent years,” however, “certain defects have become apparent. These problem areas must be dealt with if the law is to continue to function effectively as a substitute for industrial strife.”<sup>39</sup>

Proponents of the bill in committee spotlighted the J. P. Stevens Company—a textile manufacturer with more than eighty plants, mostly in southern right-to-work states—which had been found guilty by the NLRB of numerous unfair labor practices. During the hearings, a textile union official submitted a seven-pound, two-volume history of Stevens to chronicle its “thousands of violations of the National Labor Relations Act.” Workers fired by the company for organizing also testified about the long history of workplace intimidation.<sup>40</sup> William Winpisinger, president of the International Association of Machinists (IAM), pointed out, however, that these tactics were not relegated to the south and had become standard across the United States by the 1970s: “We can no longer assure workers that [the law] will protect them against intimidation, coercion, or loss of their job for union activity.”<sup>41</sup>

Opposition testimony ignored employer abuses and instead argued that union power was already excessive and that the bill would only further the violation of both workers and the public. Senator Hatch laid the groundwork for this strategy by introducing a competing bill, the Employee Bill of Rights Act. Building on the assertions of the NRTWC, the proposal offered workers

"free speech" protection when testifying to the NLRB against union malfeasance, sought to make union decertification proceedings easier, and would have outlawed automatic dues deductions. Such a law had no chance of getting out of committee, but it still advanced the notion that unions already had too much power and that the reform bill represented an egregious overreach. Senator Strom Thurmond (R-S.C.) went even further: "As the unions have lost support with the rank and file workers, labor bosses have exerted ever-increasing pressure on Congress to enact legislation favorable to union organizing attempts." He pointed out that "in the South, where unions have met their most significant resistance, their need is particularly great." Thurmond rightly pointed to the bill's southern focus, but union efforts there had faced hostility mostly from employers like Stevens, not from unorganized workers.<sup>42</sup>

Opponents from outside Congress highlighted similar themes. Richard Leshner, President of the U.S. Chamber of Commerce and self-anointed "principal spokesman for the American business community," affirmed the assumption of NLRA that "sound national labor law is essential for preserving the stable labor-management relations climate necessary for continued national growth."<sup>43</sup> Nonetheless, he argued that the "acrimonious relationship" evidenced by some workers testifying to the committee was exceptional. He believed the bill would "destroy . . . what is now, on the whole, a balanced framework for labor-management relations." Pivoting away from workplace abuses by employers, he asserted that the "true impact" of the Labor Reform Act "would be to arm union organizers with potent new organizing tools to foist unions on employees." He argued that declining union membership in the 1970s arose neither from an inefficient NLRB nor from employers' violations of labor law, but instead because the labor movement "has failed to persuade significant numbers of workers that unionism is in their best interests." Prompted by questioning from Hatch, Leshner then argued that the legislation "defies the public interest. . . . The careful balance of power that exists in this country, which is unmatched in most countries of the civilized world, should not be disrupted."<sup>44</sup>

The NRTWC's Larson testified, too, and he used the opportunity to point to union abuses. While the bill represented a "very major encroachment" on "human rights," in his opinion it was little worse than existing labor law. Larson's testimony drew from the libertarian philosopher Friedrich von Hayek, who had argued in *The Constitution of Liberty* that "labor unions have become the only important instance in which governments signally fail in their prime function, the prevention of coercion and violence. It cannot be stressed enough that the coercion which unions have been permitted to exercise contrary to all principles of freedom under the law is primarily the

coercion of fellow workers.” Larson buttressed Hayek’s contention by providing examples of the coercive power he believed unions enjoyed. By the conclusion of his statement, he had pivoted far from the original point of the hearings: “Unless you act to put an end to compulsory unionism promoted by the NLRA, all of the pious pronouncements of human rights will echo with hypocrisy. We will be no better than the Soviets, mouthing lofty platitudes about human rights, while denying their own people exit visas to freedom.”<sup>45</sup>

Still, the bill easily left committee in January 1978. While the Senate debated the Panama Canal treaty, anti-union interests nurtured the narrative put forth in the hearings. Both business interests and free-market ideologues viewed a filibuster of labor law reform as a potential sea change in American labor relations. In the words of one lobbyist for the Chamber of Commerce, the four-month effort represented a “holy war.” To coordinate lobbying and publicity efforts, the Chamber formed the National Action Committee (NAC), bringing together dozens of groups opposed to the law, including the Business Roundtable and the NRTWC. These groups acted in concert to galvanize public opposition and to sway senators uncommitted to the bill. The NRTWC, for example, estimated that from December 1977 to May 1978 it sent out twelve million postcards through direct mailing lists, focusing heavily on the home states of swing Senators. The AFL-CIO engaged in a substantial amount of lobbying, too, but of the estimated \$8 million spent by all parties (a gargantuan amount at the time considering that the two major candidates together in the 1976 Presidential Election spent less than \$70 million), the amount spent by labor was only around \$1 million.<sup>46</sup>

The NAC also forged a publicity campaign to pressure individual senators. In March 1978, the organization compiled a volume entitled *The Press against Labor Law “Reform”: What the News Media is Saying about the So-Called Labor Law Reform Bill* to distribute directly to legislators. The seven-hundred-page volume included more than three hundred editorials from across the United States opposing the bill and serves as stunning evidence of the force with which its opponents rallied against it. As Mark Green and Andrew Buchsbaum’s study of the Business Roundtable and the Chamber of Commerce have pointed out, almost half of these were written and distributed directly by the NAC and its members. Americans who relied on local newspapers to form opinions on a fairly complex piece of legislation like the Labor Reform Act encountered a wave of opinion that reframed the conversation by highlighting the purportedly excessive power of unions instead of the bill’s merits. Further, the extent of the volume allowed the NAC to argue that it represented “public opinion at the national and grassroots level.”<sup>47</sup>

Standing out in the numerous editorials from across the United States included in the volume was the assertion derived from the NRTWC's decades-old message that labor writ large *already* wielded too much power. During the last four months of the fight over the labor law, then, the parameters of the battled shifted from one in which unions and sympathetic legislators had been on the offensive against corporations who violated the spirit of the law to one in which labor was forced to defend its legitimacy. The *Harrisburg Patriot*, for example, argued that the bill represented a "Presidential Payoff" from Jimmy Carter to the unions that had supported his candidacy: "It should be entitled the 'Unions Enhancement Act.'" There was nothing about the act, according to the editorial, that protected workers; rather, "it further threatens many employers to whom they must look for jobs." The *Valley News Dispatch* (New Kensington, Pa.) called the bill a "fraud. It is no labor reform at all, unless you happen to think the labor bosses are downtrodden and need more power to combat employers." The "prevailing view in this country," according to the newspaper, was that "most people feel union bosses have too much power as it is."<sup>48</sup>

Many opponents characterized the bill as the work of a declining union movement attempting to forcibly regain new members. Patrick Buchanan, a newspaper columnist who had gained national political prominence as a speechwriter for President Nixon, believed the proposed law stemmed from "insistent demand" by "Big Labor, made upon [its] debtors on the hill, that they give back to the labor bosses, by legislation, the power, influence and authority lost by attrition over the past quarter century." The *Tucson Citizen*, smaller of the Arizona city's two dailies, called the bill a "sop to organized labor, which had seen its campaign to repeal the federal Right to Work law peter out amid overwhelming public opposition."<sup>49</sup>

Others who opposed the bill pointed to the behavior of public-sector unions in order to show that the excessive power of all labor harmed the public. The *News and Journal*, a newspaper in a small Ohio town, argued that "public support for organized labor is slipping. The way some unions have been treating the public, it's a miracle they have any support at all." Because of union behavior, argued the editor, "the public doesn't appear to be in any mood to make it easier for unions to do anything. They have caused enough inflation, unemployment, and disorder without being permitted to grow larger and more powerful."<sup>50</sup>

Another key piece of the contention that unions wielded too much power was the specter of "compulsory unionism." To reform opponents, not only did unions violate the public, but "bosses" also violated workers by compelling

them to contribute to representation costs. Here, the influence of the NRTWC is plainly visible. The bill, it should be remembered, would neither have instituted the closed shop anywhere nor prohibited states from passing right-to-work laws. That didn't stop its opponents from framing it that way, however. The *Pittsburgh Press*, for instance, believed that the law went too far in punishing violators of the Wagner Act: "Workers do have the right to unionize, and that right should be protected," the editor allowed. "But the right of employers to resist unions and the right of non-union workers to remain unorganized should also be protected." The *Utica Observer Dispatch* cautioned that "unless the public speaks up and demands the defeat [of the bill], the American worker soon may find that he no longer is free to choose whether to join a union or not. He will have no right to work unless the union says so." The *Palm Beach Times* of Florida dramatically called the bill "a rape of employers and of employees not interested in joining unions. It is incomprehensible that a President who has made such an issue of human rights in other countries should espouse a plan which would give union leaders such power to dominate workers."<sup>51</sup>

Other critics argued that the bill exacerbated the unfair power unions already wielded in the collective-bargaining process. Conservative William F. Buckley, for example, made "lagging Labor" the subject of his syndicated column on February 15, 1978. Referring to the bill's prohibition of labor violators from government contracts, Buckley ignored the notion that such a measure might actually deter companies (like Stevens, who had sizable federal deals in place) from circumventing the Wagner Act. Instead, he sneered that "if a firm is caught violating a provision of the NLRA (and such a judgment is often discretionary, and sometimes arbitrary), that firm would be forbidden to bid for government work for a period of three years. Some way to help the working man! Some way to reduce unemployment! Some way to advance human freedom!" The *Arkansas Democrat*, published in the home state of swing vote Dale Bumpers (D)—already under pressure as a liberal in a state where politics were becoming increasingly anti-union and having already voted for the Panama Canal Treaty—explained why "Arkansans should be letting their senators know they oppose this bill." If the provision of the bill enforcing negotiations by using prevailing wage rates "is what the U.S. Chamber of Commerce and the NRTWC says it is, it could end free collective bargaining in this country."<sup>52</sup>

Many critics viewed the bill as a referendum on the economic and social future of the nation. For some, this debate took the form of a future built on the right-to-work political economy of the Sunbelt versus the stagnant,



pro-union industrial core of the Northeast and Midwest. Kevin Phillips, GOP strategist and author of *The Emerging Republican Majority* (1968), was the leading proponent of this view. Phillips rightly pointed out that the bill was targeted at industries in right-to-work states, but rather than attack its efforts to rein in unfair labor practices by the employers concentrated in such states, he attacked the assumptions about the more unionized workforces elsewhere: "Jurisdictions with high nominal wages are also those most troubled by high taxes, public employee strikes, overgenerous public employee pensions, huge welfare burdens, and near-bankrupt cities."<sup>53</sup> Again, it is important to point out that Phillips, like many other critics of the policy, ascribed a much wider significance to the bill than it actually warranted. The Labor Reform Act only applied to private-sector unions, and yet Phillips criticized those in the public-sector unions—and the presumably higher taxes necessitated by higher salaries for government workers—to attack labor reform.

Voices from the Sunbelt made similar claims regarding the nation's economic trajectory. The *Phoenix Gazette* drew specifically on the NRTWC to argue against the bill. An editorial from January 1978 pointed out that the NRTWC opposed "the bill because: it would force hundreds of thousands of workers to support unwanted unions; it is special privilege legislation intended to grant enormous political power to a segment of our society that already wields too much power, and its passage would lead to an all-out campaign by labor bosses for repeal of section 14(b), enabling Arizona and 19 other states to have a right to work law." The *Gazette* opposed the bill because the Sunbelt states, "definitely including Arizona," had been "thriving" as a result of the open shop. "The best labor law reform," the piece concluded, "might be to nationalize the right to work law." The Columbia, South Carolina, newspaper *The State* concurred. "Labor leaders are upset," an editorial explained, "because so many manufacturers have fled the North because of union trouble. Now they want to conquer the South with the help of a bill which strips away many industry defenses against organization attempts." The state's Senate delegation already included two votes against the Labor Reform Act in Thurmond and Democrat Fritz Hollings. But Hollings's mere opposition did not suffice: "We would like to see Sen. Hollings, with his strong ties to the Democratic majority, lead the fight to kill this anti-South bill altogether."<sup>54</sup>

Another set of critics highlighted the United Kingdom—as *Reader's Digest* had in 1975—as a nightmarish example of what the American economy might look like should the bill pass. By early 1978, Great Britain suffered from

stagnant growth and rampant inflation. Public-sector workers went on strike in response.<sup>55</sup> Critics of the Labor Reform Act drew on the example as a cautionary tale. A column in a small-town North Carolina newspaper warned that “Big Labor is inconspicuously trying to subjugate America’s working people to compulsory unionism. . . . We could learn a valuable lesson from our ‘Mother Country’ Britain. Firemen are demanding a 32 percent pay increase while the government strives to hold inflation in check with a minimum hike of 10 percent. The firemen’s demands obviously set the pattern for other unions and other future strikes and disruptions.” The columnist then explained how right-to-work North Carolina would resemble Great Britain if the bill became law. “New industry,” Johnny Morrow argued, “would avoid this particular area. Strikes and slowdowns would become commonplace, unemployment would remain dangerously high, inflation would run rampant, and the markets and services would be taken over.”<sup>56</sup>

Editorials pressured uncommitted senators, especially in Sunbelt states, by letting them know that their vote would be noted. In the weeks after the bill left committee, the *Reading Eagle* and the *Bucks County Courier-Times* each appealed directly to Pennsylvania’s senators Richard Schweiker (D) and John Heinz (R). The *Shreveport Times* called on swing Senator Russell Long (D-La.) to oppose the bill as it was against the “best interests” of workers. The *Tucson Citizen* pointed out that “Sen. Dennis DeConcini of Arizona is among those lawmakers uncertain about how he will vote on the measure.” The newspaper wondered why he was “miffed over newspaper advertisements sponsored by the Right to Work Committee,” inquiring why the Democrat had not yet come out against “forcing unionism on Arizona voters.” The *Polk County Democrat*, a four-thousand-circulation weekly in Bartow, Florida, even printed cards addressed to Senator Lawton Chiles—an undecided Democrat—urging its readers to sign and send them.<sup>57</sup>

If the pressure of the “public opinion” compiled by the NAC was not enough, the deluge of mail received by swing senators also painted the bill in stark terms. Surveying the correspondence of Senator Heinz is instructive in this regard. Union representatives continued to point out that the bill would not fundamentally change existing labor relations but would merely enforce the laws already in place.<sup>58</sup> Opponents who wrote to Heinz vehemently disagreed. M. E. Truebenbach of a Pennsylvania energy company wrote the senator that the bill “grant[s] inordinate organizational and protective powers to unions at the expense of the rights of employees and employers.” A representative of a Pennsylvania construction company urged Heinz to

“vote *against* cloture and to allow this worthless piece of legislation to die in filibuster. If the filibuster is broken I urge you to vote against it when it comes to the Senate floor. I will be watching very closely how you vote.”<sup>59</sup> Heinz would ultimately vote for cloture, but only after the bill was weakened to attract more votes.

## CONCLUSION

On May 4, 1978, the AFL-CIO purchased an advertisement in the *Wall Street Journal*. Entitled “An Open Letter to American Business Leaders,” President George Meany outlined the “bitter and often slanderous attacks on the American trade union movement” by the “Business Roundtable, the U.S. Chamber of Commerce, the National Association of Manufacturers, the so-called National Right-to-Work-Committee and others.” Pointing to the “high standard of living” and the “buying power” the labor movement had brought to working people, he asked businesspeople to support reform since it would “have a profound impact on the kind of labor-management relations that America will have in the years ahead.”<sup>60</sup>

Meany was right about the stakes of the bill. He underestimated, however, how much stronger the corporate and ideological opposition to workers’ ability to organize had grown during the 1970s. Groups like the NRTWC had mounted legal campaigns to destroy union security contract clauses, and the Business Roundtable and Chamber of Commerce had corralled corporate opposition into one unified voice. Moreover, Meany mistakenly assumed that corporations had ever had a “moral basis” for upholding the American system of collective bargaining. Businesses had simply been working within the constraints of a system that most Americans believed was both necessary and legitimate during the Great Depression and the quarter century after World War II. By 1978, however, a decade of contentious ideological warfare over the place of unions and the efficacy of the liberal state—linked together in the guise of unionized public employees, especially teachers—had helped to erode the notion that a strong labor movement served the American public. Indeed, groups like the NRTWC had helped to shift the ideological space, particularly during the 1970s, to make much more viable the notion that collective organization by workers was, at best, no longer relevant and, at worst, economically and socially disastrous.

## NOTES

1. Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York, 2010), 292.

2. Kim Phillips-Fein, *Invisible Hands: The Businessmen's Crusade Against the New Deal* (New York, 2009). For her treatment of the rise of business activism in the 1970s, see 185–212.

3. Kim Moody, *An Injury to All: The Decline of American Unionism* (London, 1988), 130–34. Moody summarizes the BR's efforts as follows: "Unlike previous policy groups, it mobilized its business constituents to carry through its more important lobbying efforts. The high point of this strategy came in 1978 when the Roundtable flew small businessmen from around the country to Washington in corporate jets to lobby Congress in the successful fight against labor law reform." See p. 134.

4. See Sophia Lee, *The Workplace Constitution: From the New Deal to the New Right* (New York, 2014), chaps. 3, 6, and 12. Elizabeth Tandy Shermer shows that Sunbelt conservatives like Barry Goldwater used the issue of right-to-work to attack and weaken unions in Southwestern states like Nevada and Arizona. Further, beyond the advent of right-to-work laws, such arguments had even broader purchase. As she puts it: "Not every proposition or bill passed [in southwestern states in the 1950s and 60s], yet this argument won over many voters, including those from the middle and working classes worried over labor's rapid growth and newfound power." See "Is Freedom of the Individual Un-American?: Right-to-Work Campaigns and Anti-Union Conservatism, 1944–1958," in *The Right and Labor in America: Politics, Ideology, and Imagination*, ed. Nelson Lichtenstein and Elizabeth Tandy Shermer (Philadelphia, 2012), 114–36 (115). Reuel Schiller has also shown that an effort from the right to use a ballot proposition to illegalize union security clauses in California in 1958 specifically attempted (unsuccessfully) to court black voters by appealing to civil rights. "Singing the 'Right to Work Blues': The Politics of Race in the Campaign for 'Voluntary Unionism' in Postwar California," in *The Right and Labor*, ed. Lichtenstein and Shermer, 139–59.

5. It has been assumed that Carter's support for labor reform was limited, but a recent interview of Carter's Secretary of Labor Ray Marshall by Joseph McCartin and Joseph Hower casts some doubt on this assumption. Said Marshall: "President Carter was completely in favor of doing it and did whatever he could. My reading on it is he did not have the kind of influence with his fellow southern politicians and with the Senate people. . . . I thought we had sixty [votes to invoke cloture]." See Hower and McCartin, "Marshall's Principle: A Former Labor Secretary Looks Back (and Ahead)," *LABOR: Studies in Working-Class History of the Americas* 11 (Winter 2014): 91–107 (101).

6. Before labor law reform, the AFL-CIO warmed up by attempting to get Congress to pass common situs legislation. The common situs bill—similar to one that had fallen victim to President Gerald Ford's veto pen—represented an effort of interest primarily to construction unions that found Taft-Hartley's restriction on secondary boycotts problematic. Since many construction sites featured a variety of subcontractors, the building trades unions wanted to be able to picket an entire construction site if, say, electrical workers were striking against a subcontractor.

Shockingly, however, the bill was defeated in the House in March 1977 by twelve votes after corporate interest groups, led primarily by the Business Roundtable, lobbied

hard against it. Groups like the BR had begun mobilizing—initially to combat what they viewed as the inflationary practices of labor organization, especially in construction (the BR's precursor had been the Construction Users Anti-Inflation Roundtable)—early in the 1970s. It was not until mid-decade, however, that its efforts began to seriously pay off. In the words of political scientists Sar Levitan and Martha Cooper, the defeat of the common situs bill was “almost as much of a surprise to the victors as it was to labor.” Labor chalked up the failure to poor strategy and a peculiar public animus toward construction unions. See Levitan and Cooper, *Business Lobbies: The Public Good and the Bottom Line* (Baltimore, 1983), 122.

7. *Ibid.*, 123–26; The notorious textile manufacturer J.P. Stevens represented the most egregious example of these tactics, delaying elections and then contracts for years. The best account of J.P. Stevens is Timothy Minchin's *Don't Sleep with Stevens: The J.P. Stevens Campaign and the Struggle to Organize the South* (Gainesville, 2005).

8. Martin Halpern has argued that Carter expended virtually no effort on the bill, making no public address on the subject and only offering lukewarm support when specifically questioned by reporters. Further, in spite of expending massive effort to secure ratification of the Panama Canal treaty, Carter spent more time bowling on the most integral date of the vote than he did attempting to persuade the last few senators needed for cloture. See *Unions, Radicals, and Democratic Presidents: Seeking Social Change in the Twentieth Century* (Westport, Conn., 2003), 123–26.

9. Indeed, Marshall believed that the major reason for the bill's failure stemmed from Carter's inability to sway fellow southern Democrats. He believed Alabama's John Sparkman, in particular, would vote for cloture. See Hower and McCartin, “Marshall's Principle,” 101.

10. As Lee shows, filmmaker Cecil DeMille, for instance, fought representation fees for the American Federation of Radio Artists, in both the courts and in the court of public opinion, prominently comparing union security clauses to the plight of Dred Scott, and comparing the right to work to the black civil rights movement. *The Workplace Constitution*, 56–78, 115–32.

11. Shermer, “Is Freedom of the Individual ‘Un-American?’” 119.

12. On Pegler, see David Witwer, *Shadow of the Racketeer: Scandal in Organized Labor* (Urbana, 2009). Joseph McCartin and Jean-Christian Vinel, “‘Compulsory Unionism’: Sylvester Petro and the Career of an Anti-Union Idea, 1957–1987,” in *The Right and Labor in America*, ed. Lichtenstein and Shermer, 226–51. On Petro's earlier work, see his pro-Kohler history of the decade-long United Auto Workers Local 833 strike of the plumbing fixtures company in 1961, as well as an examination of what he believed was the deep corruption that had been made evident during the McClellan hearings in the late 1950s. *The Kohler Strike: Union Violence and Administrative Law* (Chicago, 1961) and *Power Unlimited: The Corruption of Union Leadership* (New York, 1959).

13. Jerry Flint, “Reed Larson Versus the Union Shop,” *New York Times*, 4 December 1977; “Stoking up a Drive for Right-to-Work,” *Business Week*, 14 March 1970.

14. For an excellent concise treatment of this strategy, see Sophia Lee, “Whose Rights? Litigating the Right to Work, 1940–1980,” in *The Right and Labor*, ed. Lichtenstein and Shermer, 160–80.

15. Though the NRTWC and the Legal Defense Foundation were separate entities, both because of the interconnection of their goals and for simplicity's sake, I will simply refer to all activity—legal and political—as the effort of the NRTWC.

16. The high water point of union density in the private sector was in 1953. In that year, 15.5 million working Americans in the private sector belonged to unions, a number representing around 36 percent of those who worked for private employers. By 1962, however, that percentage declined to 32 percent, by 1973 to 27 percent, and by 1983 to half of its 1953 mark. The aggregate number of Americans in private-sector unions also declined to just over 13 million from 1953 to 1983. Public-sector growth in the 1950s, '60s, and '70s helped to obscure this trend as it kept total unionization rates robust. From 1953 to 1983, the number of public-sector workers in unions increased sevenfold from 770,000 to 5.4 million, and union density in the public sector increased from 12 percent to 40 percent by 1974. See Leo Troy, "The Rise and Fall of American Trade Unions: The Labor Movement from FDR to RR," in *Unions in Transition: Entering the Second Century*, ed. Seymour Martin Lipset (San Francisco, 1986), 80–84.

17. For an account of the controversy of teacher strikes, see Jon Shelton, "Letters to the Essex County Penitentiary: David Selden and the Fracturing of America," *Journal of Social History* 48 (Fall 2014): 135–55; Steve Golin, *The Newark Teacher Strikes: Hopes on the Line* (New Brunswick, N.J., 2002); and Jerald Podair, *The Strike That Changed New York Blacks, Whites, and the Ocean Hill–Brownsville Crisis* (New Haven, 2004).

18. On inflation, see U.S. Department of Labor, Bureau of Labor Statistics, Databases, Tables, & Calculators By Subject, "Consumer Price Index—All Urban Consumers, 1958–2015" <http://www.bls.gov/data/> (accessed 8 November 2015).

19. Letter from Ernest Smith, 20 March 1970, Ernest C. Smith Papers, Walter Reuther Archive, Wayne State University, Box 2. Sophia Lee argues that "there was no question" that the Legal Defense Foundation "called the shots." See *The Workplace Constitution*, 231.

20. Letter from Christine Warczak, 22 August 1969; undated DTOCU newsletter, Smith papers WRA, Box 2.

21. Letter from [name illegible in document], 20 December 1969; letter from Steve Dobkowski Jr., 21 January 1970; unsigned, undated response card, in *ibid.*

22. "Teachers Mount Legal Challenge to Compulsory Agency Shop Contract," *Free Choice*, November–December 1969; "Over 300 Detroit Teachers Join in Legal Battle against Compulsory Agency Shop," *Free Choice*, January–February 1970, ESP, Box 3.

23. *Right to Work Profiles* (NWTRC, 1973), in *ibid.*

24. *Ibid.*

25. Schiller, "Singing 'The Right-to-Work Blues,'" 149–56.

26. See Jeffrey Mirel, *The Rise and Fall of an Urban School System, Detroit, 1907–1981*, 2nd ed. (Ann Arbor, 1999), 293–370. On this conflict in Chicago, see John Lyons, *Teachers and Reform: Chicago Public Education, 1929–1970* (Urbana, 2008); in New York City, see Podair, *The Strike That Changed New York*, and Jonna Perrillo, *Uncivil Rights: Teachers, Unions, and Race in the Battle for School Equity* (Chicago, 2012).

27. Kenneth Y. Tomlinson, "A Tale of Two Teachers," *Readers' Digest*, November 1975, 29–35.

28. Letter from Albert Shanker to Kenneth O. Gilmore, 11 November 1975, "Office of the President's Records," AFT Collection, WRA, Box 16.

29. Letter from Gilmore to Shanker, 10 December 1975, in *ibid.*

30. Vermont Royster, "The Undoing of Great Britain," *RD*, January 1976; Paul Friggins, "Teachers on the March," February 1976.

31. Damon Stetson, "Labor Urges Public Sector Job Help," *New York Times*, 8 October 1974. For more on the proposed expansion of the Wagner Act, see Joseph McCartin, "A Wagner Act for Public Employees': Labor's Dream Deferred," *Journal of American History* 95, no. 1 (2008): 123–48. The quotation attributed to the NRTWC can be found in the McCartin article, p. 134.

32. McCartin, "A Wagner Act for Public Employees," 123–48.

33. Keller, Thomas, McManus, and Keller, "Brief in Support of Claim of Appeal," *Warczak v. Detroit Board of Education* (1975).

34. State of Michigan Court of Appeals decision, *Abood v. Detroit Board of Education* and *Warczak v. Detroit Board of Education* (1975).

35. John L. Kilcullen, "Jurisdictional Statement," *Abood v. Board* and *Warczak v. Board*, February 1976.

36. McCartin and Vinel, "Compulsory Unionism," 248–49. The free-speech argument would be resurrected by the National Right to Work Committee in the 2013 decision of *Harris v. Quinn*.

37. Majority Opinion, *Abood v. Detroit Board of Education* (1977).

38. Though imperfect, public opinion polls powerfully evidence this trend. According to a Gallup poll, in 1965, 71 percent of respondents approved of labor unions, while only 19 percent opposed them. By 1973, these numbers had shifted drastically, to 59 percent and 26 percent, respectively. By May 1979, support had fallen further to 55 percent, and by August 1981, 35 percent of Americans—without being asked about any union specifically—disapproved of labor unions. See Seymour Martin Lipset, "Labor Unions in the Public Mind," in *Unions in Transition*, ed. Lipset, 301. The poll was developed by asking a random sample to respond to the question, "In general, do you approve or disapprove of labor unions?"

39. *Hearings Before the Subcommittee on Labor of the Committee on Human Resources of the United States Senate Part I* (Washington, D.C., 1978), 30–31.

40. *Senate Hearings*, Part I, 144–45; 162–267.

41. *Senate Hearings*, Part II, 1827–1841. Winpisinger provided examples—of auto mechanics in West Virginia who attended meetings in wigs and false mustaches to avoid being identified by a union "spy," and an employer in Long Island who followed the Stevens tactic of refusing to bargain after a representation election, finally forcing the IAM to withdraw its backing because of the expense.

42. *Senate Hearings*, Part I, 100–101, 110–12.

43. In Phillips-Fein's estimation, Leshner was the "man most responsible for remaking the Chamber" into an effective political force in the 1970s. See *Invisible Hands*, 200.

44. *Senate Hearings*, Part I, 729–30, 947, 991.

45. *Ibid.*, 433–47; original Hayek quote is in *The Constitution of Liberty* (Chicago, 1960).

46. Mark Green and Andrew Buchsbaum, *The Corporate Lobbies: Political Profiles of the Business Roundtable and the Chamber of Commerce* (Washington, D.C., 1980), 118–19; Helen Dewar Jackson, "Grassroots Lobbying in Full Flower," *Washington Post*, 28 May 1978.

47. Green and Buchsbaum, *The Corporate Lobbies*, 123.

48. "Labor Reform Bill a Presidential Payoff," *Harrisburg Patriot*, 19 February 1978; and "Labor Reform' Is a Fraud," *Valley News Dispatch*, 1 February 1978.

49. Patrick Buchanan, "Labor Sends Its Bill to the Hill," *New York Daily News*, 28 February 1978; "Do Labor Unions Need More Muscle?" *Tucson Citizen*, 3 February 1978; A Meriden, Connecticut, newspaper, *The Morning Record and Journal*, called the bill a "tilt toward the big unions." Labor law reform would not bring "a necessary protection for workers, or a step toward a fairer balance between unionism and management." It represented instead "an attempt to give a break not to workers but to union organizers." See "Tilt for Big Unions," 6 February 1978.

50. "Labor's Decline," *News Journal*, 14 February 1978; A similar editorial in the *Richmond Times-Dispatch* (Virginia) also argued that "labor bosses suffer from a terrible—and self-inflicted—public image." Specifically, the editorial offered up as evidence the Teamsters' embezzlement of pension funds and "unionized firefighters [who] stood by as buildings burned in Ohio this year." See "Labor's Christmas," 23 December 1977.

51. "Labor Law Revision," *Pittsburgh Press*, 4 January 1978; "The Right to Work Is in Trouble," *Utica Observer-Dispatch*, 2 February 1978; "Labor Law Proposals Ignore Human Rights," *Palm Beach Times*, 21 September 1977. A small-town Ohio newspaper asserted that the "real issue here is freedom of choice—namely, the rights of employees to make up their own minds in a free, unhurried manner. Congress . . . should be worried about protecting the American workers from further coercion—whether it comes from big labor, big business, or, for that matter, big government." See "Labor Reform: More Coercion," *Lima News*, 7 January 1978.

52. William F. Buckley, "Lagging Labor Looks to Congress for Help," *Philadelphia Evening Bulletin*, 15 February 1978; "An End to Bargaining?" *Arkansas Democrat*, 8 February 1978. Halpern shows how conservative Arkansas politics prevented Dale Bumpers, a populist who may very well have voted for cloture under different circumstances, from providing the fifty-ninth vote (and Halpern believes Louisiana's Russell Long would have been the sixtieth if Bumpers had voted for cloture). See *Unions, Radicals, and Democratic Presidents*, 148–76. Halpern also cites an interview with Bumpers from 1998 in which he asserted that "I knew that voting for the Panama Canal treaties and labor law reform back-to-back would have been political suicide." Quotation on p. 157.

53. Kevin Phillips, "Labor and Reform," *San Francisco Examiner*, 10 February 1978.

54. "Labor Law Showdown," *Phoenix Gazette*, 18 January 1978; "Hollings Should Lead Fight to Kill Labor Bill," *The State*, 22 January 1978.

55. On the strikes in late 1977 and early 1978, see Sheila Cohen, *Ramparts of Resistance: Why Workers Lost Their Power and How to Get It Back* (Ann Arbor, 2006), chap. 2.

56. Johnny Morrow, "From Where I Sit," *The Mooresville Tribune*, 2 February 1978. Also, syndicated anti-labor columnist Victor Riesel characterized the bill as "American labor's most massive offensive to break all corporate opposition to unions. And to create American business in the image and posture of industry in Labor-controlled Britain. . . . If they can't push the law across . . . those British correspondents who have been filing American labor's obituaries will be clairvoyant. And if labor succeeds all of the U.S. will be one big union town." See "Showdown Nearing on New Labor Law," *Muncie Star*, 7 February 1978.

57. "Wrong Kind of Reform," *Bucks County Courier-Times*, 27 January 1978; "Business Claims Unexpected Support," *Reading Eagle*; "Labor Law Reform," *Shreveport Times*, 29 January 1978; "Do Labor Unions . . ." *Tucson Citizen*, 3 February 1978; "Let Your Voice Be Heard," *Polk County Democrat*, 2 February 1978. In addition to Heinz, Schweiker



and DeConcini would vote for cloture, while Long and the two Florida Republicans voted against it.

58. For example, a Media, Pennsylvania, International Brotherhood of Electrical Workers (IBEW) local representative reminded Senator Heinz that "as you know this bill only rights wrongs that have prevailed for years, it makes no major changes." Letter from Hugh Snow Sr. to Heinz, *Senator John Heinz III Collection*, Carnegie Mellon University, Legislative Assistants' Files, Box 319. Amalgamated Clothing and Textile Workers Union (ACTWU) Secretary-Treasurer Jacob Scheinkman wrote Heinz that "the machinery of the current Act has proved inadequate to check the chronic subversion of worker's . . . rights by an unconscionably large number of the nation's employers. . . . While [the labor reform bill] would not change the basic do's and don'ts of the Act, it would make meaningful the rule of law." Letter to Senator John Heinz, 13 April 1978, JHC, LAF, Box 319.

59. Letter from M. E. Treubenbach to Senator Heinz, 232 January 1978; Letter from Samuel Slokam V to Heinz, in *ibid*.

60. George Meany, "An Open Letter to American Business Leaders," *Wall Street Journal*, 4 May 1978.

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