

Forced-Unionism Abuses Exposed

The facts Big Labor bosses would rather you didn't hear about.

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Compulsory unionism breeds corruption. In each issue of "Exposed," the National Right to Work Committee will highlight yet another example of union-boss abuse spawned and perpetuated by Big Labor's government-granted privilege to force workers to pay union dues, or be fired.

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Nearly Two Years After Oklahoma Became America's 22nd Right to Work State, Big Labor Legal Maneuvers to Overturn the Law Continue

On September 25, 2001, Oklahoma adopted the Right to Work Amendment to its state Constitution. This amendment protects employees from being fired for refusal to join or pay dues to an unwanted union, and also prohibits termination for joining or financially supporting a union.

In the nearly two years since Oklahoma became America's 22nd Right to Work State, both employees and businesses have reaped significant economic benefits.

For example, U.S. Labor Department data show that real hourly wages of Oklahoma manufacturing employees soared by 5.2% between September 2001 and February 2003, compared to 3.3% in Right to Work states as a group and just 1.2% in non-Right to Work states.

Meanwhile, despite a lackluster national economy, Oklahoma companies publicly announced \$798 million in capital spending in 2002, up 153% over the 2001 total.

On *Forbes* magazine's index of the best major metro areas for businesses and jobs, which is based on objective criteria like job and income growth, the available pool of educated workers, and affordable office space, Oklahoma City's ranking has soared from 117th place in 1999 to 18th place this year.

The Chicken Little claims about the Right to Work law's impact that Big Labor made while battling to block its passage have been thoroughly debunked. But the union bosses don't hate the law any less as a consequence. In fact, they now seem to be angrier than ever before.

With the enthusiastic backing of the national AFL-CIO hierarchy, Oklahoma union officials are currently prosecuting two separate lawsuits designed to overturn the Oklahoma Right to Work law.

The two cases involve a grab bag of novel and long-discredited claims, some of which seem to contradict one another.

Adopting a convoluted legal strategy designed to eliminate the entire Oklahoma Right to Work law, in the first case AFL-CIO Associate General Counsel Larry Gold convinced a panel of federal judges this spring that federal law prohibits states from protecting private-sector workers' right to join a union!

Since federal law already protects private-sector workers' freedom to join a union, the freedom-to-join clause in Oklahoma's Right to Work law is preempted, Mr. Gold successfully argued. This case is now before the Oklahoma Supreme Court, where union lawyers are claiming that, since the freedom-to-join clause is preempted, the entire Right to Work law must go, because its provisions are not explicitly "severable."

Meanwhile, in the second case, which is now on its way to the Oklahoma Supreme Court, union lawyers are arguing that the supposedly "nonseverable" amendment really consists of four "separate provisions," all of which should have been voted on separately!

In the most cynical argument of all, union lawyers in the second case are claiming the Right to Work law violates the union's "due process" rights under the Oklahoma Constitution.

The simple fact is, the Oklahoma Supreme Court has already determined that the "due process" provisions in the state Constitution are identical to those found in the Fifth Amendment to the U.S. Constitution, and the U.S. Supreme Court unanimously rejected, in its 1949 *Lincoln* ruling, union lawyers' far-fetched claims that Right to Work laws violate the Fifth Amendment.

With the assistance of the AFL-CIO's forced dues-funded pack of lawyers, Oklahoma union bosses have blown lingering clouds of legal smoke over the Sooner Right to Work Amendment. But the key clauses of the law that bar Big Labor from forcing workers to pay union dues, or lose their jobs, still stand.

As the economic benefits linked to the Sooner Right to Work law continue to expand, so will the significance of this victory for local grass-roots activists, for the National Right to Work Committee members who led an eight-year mobilization campaign that paved the way for the law's approval, and for National Right to Work Foundation attorneys who have so far successfully defended the law's core provisions.

Union bosses have already given up on persuading the public on the merits of their opposition to Oklahoma's Right to Work law. Right to Work attorneys and their legal allies are determined to keep fighting until this victory is also secure in the courts.

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