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# Contributing Factors to the Existence of Right-to-Work Laws in Two Southern States

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CONTRIBUTING FACTORS TO THE EXISTENCE  
OF RIGHT-TO-WORK LAWS IN TWO  
SOUTHERN STATES

CONTRIBUTING FACTORS TO THE EXISTENCE  
OF RIGHT-TO-WORK LAWS IN TWO  
SOUTHERN STATES

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts

By

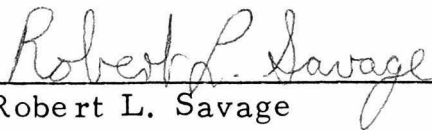
TIMOTHY A. BLEDSOE, B.A.  
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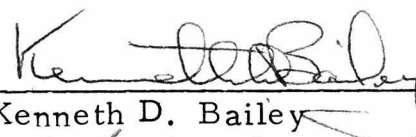
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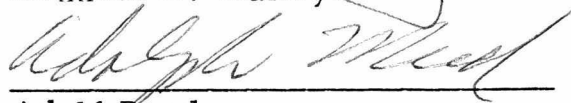
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The use of the unpublished Louisiana legislative constituency data file belonging to Patrick O'Connor, Louisiana State University, was also greatly appreciated. Because Louisiana legislative districts are strictly apportioned and thus rarely follow traditional political boundaries it would have been impossible for the writer to compile his own data file.

Other individuals deserving mention as having played a significant role in the successful completion of this project include Ken Bailey and Adolf Reed, my committee members, and Joan Brookman, my typist. Although all the above individuals made important contributions to this thesis, the writer is solely responsible for any errors of fact or judgment which may be found within this paper.

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## Chapter I

### Introduction

Providing explanations of why governments or political systems adopt the public policies they do is and has been a goal of political science for some time. The purpose of this paper is to investigate one specific policy out-come -- so called "right-to-work" laws -- in the context of the political environment provided by two Southern states: Arkansas and Louisiana.<sup>1</sup> Specifically, an effort will be made to determine what environmental factors have tended to encourage the adoption of right-to-work laws and how the proponents and opponents of such laws have attempted to influence their passage or repeal.

Right-to-work laws as public policy were chosen for this project for several reasons. First, there are powerful interest groups on opposing sides in the battle over right-to-work -- business and labor. This provides an opportunity to view the controversy in the perspective of the "Group model." This approach emphasizes the examination of interests seeking to influence the outcome of public policy and their resources, tactics,

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<sup>1</sup> The term "right-to-work" is used here and throughout this paper as it is the popularly-accepted designation used to describe the banning of agency or union shops. The propriety of the term is challenged by organized labor and a discussion of this semantic disagreement will be provided later.

symbols, access and organization.

Also, the right-to-work controversy can be viewed as a confrontation between the political philosophy of classical liberalism and that of modern liberalism. The former, the position of many proponents of right-to-work legislation, emphasizes the essential freedom of the individual in his choice of association, among other things, and stresses the need for a minimal amount of restraint upon the individual by the government or by social groups. The latter, modern liberalism, has tended to stress "collectivism" as the only means by which the individual can effectively cope with his environment. George Sabine has cited the enfranchisement of a large portion of the English working class in the mid-19th century and the class-consciousness which that group developed as the origin of modern liberalism. This enfranchisement, according to Sabine:

.... Meant the appearance of a group of voters who were more concerned to protect wages, hours of labor, and conditions of employment than to extend business enterprise, and who were well aware that their strength lay not in freedom of contract but in collective bargaining.<sup>2</sup>

Additionally, the controversy over right-to-work is one which tends to be fairly emotional in nature. Even where there

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<sup>2</sup>George H. Sabine, A History of Political Theory, New York, Holt, Rinehart and Winston, 1961, p. 703.



seems to be a lack of knowledge on the part of the public as to the consequences of the legislation, the adoption of a position on the issue because of negative attitudes toward either business or labor seems easily made in deciding for one or the other of these two groups which, according to recent opinion surveys, ranks among the most unpopular institutions in American society.

Arkansas and Louisiana were selected as the political units for this project for three reasons. First, both states took action on the right-to-work question during 1976. In Arkansas the action consisted of a constitutional amendment to repeal the law which was on the November ballot. In Louisiana the legislature re-enacted a right-to-work law in June.

The second reason these particular states were chosen is that they both afford an excellent opportunity to observe the confrontation between these major interest groups with little or no reference to political parties. Generally, on a matter such as this parties could be expected to provide a kind of "front" for the two groups and allow them to stay in the background. However, in one-party states such as Arkansas and Louisiana the interest groups are on their own.

Finally, in the context of Southern politics, these two states offer a fairly thorough cross-section of the variation found in Southern political culture. The mountainous northwest part of

Arkansas is similar in character to regions of Tennessee, North Carolina, and Virginia. The "black belt" of southern and eastern Arkansas and northern Louisiana is part of a sub-cultural region which extends from eastern Texas across the lower South into the Carolinas. Metropolitan New Orleans furnishes an example of a sizable urban area and Creole-Catholic southern Louisiana provides a final distinctive sub-cultural region.

### The History of Right-to-Work

Section 14(b) of the Taft-Hartley Act passed in 1947 authorized the individual states to adopt measures restricting union security agreements. That section reads in part:

Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any state or territory in which such execution or application is prohibited by state or territorial law.<sup>3</sup>

The first states to enact right-to-work laws, both in the form of constitutional amendments, were Arkansas and Florida in 1944. Three more states followed suit in 1946 and in 1947 seven states which now have right-to-work laws enacted such legislation for the first time. Since 1947, eight more states have

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<sup>3</sup>John E. Maher, Labor and the Economy, Boston, Allyn and Bacon, 1965, p. 199.

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passed such laws but nine states have defeated the measures through referenda and six others have repealed right-to-work or other laws affecting union security. Some of the more recent actions include the enactment of a law in Wyoming in 1963, the defeat of a proposed law by referendum in Oklahoma in 1964, and the repeal of the Indiana law in 1965.<sup>4</sup>

At present, with the passage of the Louisiana law last year, a total of twenty states have right-to-work laws. Between 1958 and 1965 there have been more than 40 right-to-work proposals before state legislatures. Efforts are currently underway by the National Right-to-Work Committee to have the restrictive legislation adopted in Idaho and New Mexico with Oklahoma also a possible battleground.<sup>5</sup>

An equally active battle has been fought at the federal level over repeal of 14(b). In 1964 organized labor made a big push to have the Congress repeal the law and had the support of the President in its efforts. After passing in the House by only 221 to 203 the bill met a dead-end in the Senate, however. Through the two terms of Richard Nixon and Gerald Ford no efforts at repeal

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<sup>4</sup>Growth of Labor in the United States, U. S. Department of Labor, 1967, p. 216.

<sup>5</sup>National Right-to-Work Newsletter, V. XX, No. 6, June, 1974.

were made at the federal level since the labor unions were fully aware that a bill of repeal would meet a certain veto. With the election of Jimmy Carter the hopes of the unions for a single victory to abolish all the state laws are again renewed.

Many or most of the analyses of environmental factors related to the existence of right-to-work laws have been conducted from a purely economic perspective and have failed to take into account social or political factors. Two such economic analyses are Palomba and Palomba, "Right-to-Work Legislation: A Suggested Economic Rationale," and Moore, Newman, and Thomas, "Determinants of the Passage of Right-to-Work Laws: An Alternative Interpretation."<sup>6</sup>

Palomba and Palomba adopted a strictly economic approach in their analysis of the passage of right-to-work laws. Using the American states as their unit of analysis, the authors explored the tendency for the presence of right-to-work legislation in terms of two major variables -- the level of economic development and the degree of unionization. They found that states ranking low in terms of economic development and which had a low degree of unionization were more likely to enact right-to-work legislation than other states. Although no data were available on levels of unionization for the two

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<sup>6</sup> In The Journal of Law and Economics, V. XIV (Oct., 1971) and V. XVII (April, 1974).

states studied here, it is hypothesized that economic development, as measured by several criteria, did have an effect on the demand for right-to-work legislation in the two states. Moore, Newman and Thomas went further than the Palombas and included such variables as the degree of urbanization, the percentage of the population employed in the agricultural sector, and the percentage of non-whites in the labor force in their study. The authors found that less urbanized states were more likely to have right-to-work laws than heavily urbanized states and that the more important was the agricultural sector in a state's economy, the more likely was the state to have a right-to-work law. Similar results are expected for these two variables in the analysis of the Arkansas and Louisiana data. The authors found the size of the non-white work force to have no bearing on the demand for right-to-work laws. In the data analysis for Arkansas and Louisiana, blacks are expected to tend to oppose right-to-work more than whites.

Finally, an article by Anne H. Hopkins, "Right-to-Work Legislation in the States: A Casual Analysis," studies the demand for right-to-work legislation as it varies with the economic environment, with the political system, and with public attitudes in the states. Hopkins found that, though the degree of economic development was the single most important determinant to the existence of right-to-work laws, both system and opinions were

significant contributing factors independent of economic environment. The findings in the analysis of the Arkansas and Louisiana data are expected to support this conclusion.

### Methodology and Data

Several different means of analysis will be employed in the course of this project. Both those demanding of rigorous quantification and those more inclined toward "subjective-interpretive" analysis will probably be a little dismayed with the blending of the two found in this paper.

Ira Sharkansky seems to agree with this middle-ground approach. According to Sharkansky:

Although some studies are more overtly quantitative than others, their conclusions are not necessarily more reliable or more important than the conclusions of studies which rely less on precise measurement.<sup>6</sup>

Sharkansky continues by arguing that the presence or absence of numbers in a study is not as important as other factors such as the "breath of relevant influences" taken into account, the relevance of the evidence used, and the use of those techniques most likely to illuminate the important forces in the policy process.<sup>7</sup>

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<sup>6</sup> Ira Sharkansky, Policy Analysis in Political Science, Chicago, Markham, 1970, p. 3.

<sup>7</sup> Ibid.

The statistical techniques used in data analysis for this project are fairly simple in design and generally intended only to allude to possible relationships between environmental factors and support for or opposition to right-to-work laws. Though the techniques employed on the two sets of data are quite different they accomplish basically the same thing.

The Arkansas voting data on Amendment 59 were broken down by counties which are the primary unit of analysis. Simple correlation coefficients ( $r$ 's) were used in determining levels of association with environmental variables as all but one such variable was interval in nature. In addition, scattergrams were processed between the dependent variable and all independent variables to graphically illustrate associational tendencies.

For the Louisiana data difference of means tests were used to compare the constituency characteristics of those legislators that voted for right-to-work and those legislators that voted against the bill. Additionally, biographical characteristics of the legislators voting on each side of the issue were compared to determine the possible existence of relationships in that area.

In addition to the quantitative analysis, attention will be paid to the public relations efforts or types of appeals for support used by both sides. An effort will be made to determine to whom

the appeals are directed as well as the motivational aim involved.<sup>8</sup>

Chapter II traces the history of right-to-work in Arkansas and describes the circumstances surrounding the effort to repeal the state's right-to-work law in the November, 1976 general election. In Chapter III the efforts to pass a right-to-work law in the Louisiana legislature are discussed and various aspects of the legislative balloting are analyzed. The right-to-work controversy in the context of Southern politics is the subject of Chapter IV and the concluding chapter deals with right-to-work as public policy.

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<sup>8</sup> A brief review of some of the more common arguments used in the debate over right-to-work is provided in Appendix A.



## Chapter II

## Right-to-Work in Arkansas: The Rejection of Amendment 59

As mentioned above, Arkansas was one of the first states to enact a right-to-work law. In fact, the Arkansas constitutional amendment (Amendment 35) was passed over two years before the Taft-Hartley Act came into being.

The original battle over right-to-work in Arkansas occurred in the general election of 1944. The right-to-work amendment on the ballot that year caused a heated public relations confrontation between business and labor groups in the state. Both sides encouraged the voters to "support your fighting men" by voting for or against the amendment. One advertisement by the Arkansas Peoples' Committee, the front for labor, had a headline beside a picture of a man in uniform which read: "You don't have to tell me what slavery means...I've seen it among the Nazis and Japs!" The ad continues:

Our soldiers are dying everyday to wipe out the slave-driving tactics used by the Nazis and Japs -- and we have the opportunity now to fight for the same things here at home he is fighting for -- by defeating Amendment 35!<sup>1</sup>

The appeals made by the Constitutional Amendment Committee, the front for business, were no less far-fetched. The

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<sup>1</sup> Arkansas Gazette, October 20, 1944, p. 6.

pro-amendment ads almost always made reference to the outside (i.e., out of state) backing received by labor and usually alluded to communist influence in the unions when they did not state out-right that all opposition to the amendment was being directed by the Kremlin. The charge by business that the opposition campaign was being run by outsiders seems particularly ironic in view of the fact that the Christian American Association of Houston, Texas, was reputed to have instigated the amendment in the first place.<sup>2</sup>

Efforts were strenuously made by business to disclaim any direct benefit from the passage of a right-to-work law. Emphasis was always placed on the public need for the law and how the public would benefit from its passage.

The campaigns were made not in the name of the interests of the employers so much as in the more appealing name of the interests of the public and of individual employees. The fact that they involved primarily a struggle over industrial and political power was concealed only from the uninitiated.<sup>3</sup>

The Arkansas Gazette editorially opposed passage of the

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<sup>2</sup> Arkansas Gazette, October 24, 1944, p. 5.

<sup>3</sup> Harry A. Millis and Emily C. Brown, From the Wagner Act to Taft-Hartley, Chicago, University of Chicago Press, 1950, p. 290.

right-to-work amendment in 1944. Citing a need not to disturb labor relations during the war the Gazette wrote in a front-page editorial:

We fear that efforts to deny the closed shop to union men would bring on serious labor disturbances in Arkansas, a state that has been relatively fortunate in peaceful labor relations.<sup>4</sup>

On more pragmatic grounds, the Gazette seemed to doubt that such a law could be effective. The paper challenged the practicality of legislating open shop conditions.

The right-to-work amendment in 1944 was reported to have received the most support from businessmen and planters in eastern Arkansas. A look at the vote in a few eastern Arkansas counties seems to support this proposition. Whereas statewide the amendment passed with slightly less than 55 percent of the vote -- in eastern Arkansas it did substantially better. The amendment received from 75 to 89 percent of the votes in Crittenden, Phillips, Lee, St. Francis, Mississippi and Poinsett Counties.<sup>5</sup>

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<sup>4</sup> Arkansas Gazette, October 21, 1944, p. 1.

<sup>5</sup> Data from Alexander Heard, Southern Primaries and Elections, University, Alabama, University of Alabama Press, 1950.

The amendment received much less support in the more urban counties of the state. In Pulaski County it was opposed by a majority of 51 percent, in Sebastian County 54 percent, in Jefferson County 64 percent, and in Garland County 70 percent.

There was by no means universal support for the passage of Amendment 35 in 1944. In fact, there appears to have been a considerable degree of disparity in support for the amendment among the Arkansas counties. The amendment failed to receive a majority of the votes in 24 of Arkansas' 75 counties. By regions, the amendment received 53.4 percent of the vote in the mountain area, 54.6 percent in the border area, and 59.3 percent in the delta.<sup>6</sup>

#### The Assault on '35' -- Amendment 59

The 1976 effort to repeal Arkansas' right-to-work law was the first major attempt to abolish the law since an abortive campaign in the early 1950s. At that time backers of repeal failed to acquire a sufficient number of signatures on petitions to have the issue placed on the ballot.<sup>7</sup>

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<sup>6</sup> See Appendix B for the counties included in each region. The regional demarcations were taken from a study of voting blocs in the state legislature (Patrick O'Connor, "Collective Responsibility and Voting Structure in One-Party Legislative Politics," unpublished).

<sup>7</sup> Arkansas Gazette, February 5, 1976, p. 4A.

The signatures of 54,975 voters, ten percent of the number of votes cast in the last gubernatorial election, were needed to place the proposed right-to-work amendment on the ballot. According to Arkansas AFL-CIO President J. Bill Becker, no effort was made by labor to have the state legislature place the repeal amendment on the ballot. "We don't have the clout of the doctors," Becker said.<sup>8</sup> The legislature was "very conservative," according to Becker, and the voters would be more sympathetic to labor's position on right-to-work. The petition drive generated 147,850 signatures, almost three times the number needed.

Labor did not seek to repeal Amendment 35, as it turned out, but rather to add several qualifying clauses which would effectively neutralize the amendment.<sup>9</sup> This was done because of the fear that once there was no mention of right-to-work in the Constitution the General Assembly would simply re-enact the law. Becker asserted that the legislature was so anti-labor that it would be willing to "re-enact the law everyday."<sup>10</sup>

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<sup>8</sup> The legislature was considering placing an amendment to provide malpractice relief for physicians on the ballot.

<sup>9</sup> See Appendix C for text of Amendments 35 and 39.

<sup>10</sup> Arkansas Gazette, October 31, 1976, p. 15A.

The main supporters of Amendment 59 were labor groups, including the state AFL-CIO and United Labor of Arkansas (the AFL-CIO, Teamsters, United Auto Workers, and United Mine Workers), both headed by Becker. They were joined by Arkansans for Progress, an ad hoc group headed by Sam Boyce, a one-time candidate for governor; the Little Rock Diocese of the Catholic church and Bishop Andrew J. McDonald; the Arkansas state Conference of the NAACP; and the Arkansas Community Organizations for Reform Now (ACORN). A few prominent political figures, including former Congressman Wilber Mills, also supported the amendment.

Opposition to the amendment was centered around the Freedom to Work Committee, headed by House Speaker Cecil Alexander and included the Arkansas State Chamber of Commerce and local chambers, the National Association of Manufacturers, Associated Industries of Arkansas, the Arkansas chapter of Associated General Contractors, the Arkansas Free Enterprise Association, the Arkansas Public Employers Association, the Arkansas Farm Bureau Federation, and the Arkansas Hospital Association. Most of the state's newspapers were editorially opposed to the amendment also. Finally, the National Right-to-Work Committee was reputed to have contributed substantially to the effort to reject Amendment 59.

The state's active politicians were particularly anxious to be on record as opposing the amendment. Even the Democratic candidate for Attorney General, Bill Clinton, who had received strong labor support in a previous campaign for Congress, abandoned his union friends on the right-to-work issue. Governor David Pryor received a grudging endorsement from labor in his bid for re-election by maintaining a neutral position on the issue. Pryor, a long time labor favorite, had just previously incurred the wrath of the unions by calling out National Guardsmen in Pine Bluff to replace striking firemen.

Labor had an uphill fight on its hands from the very beginning. The popular name for the question, "right-to-work," was a term which haunted the unions and which they fought at every opportunity. When possible, 59 proponents used the designations "compulsory open shop law" or "right-to-work-for-less law." The Unions were able to have the title "Rights of Labor" placed on the amendment but were unsuccessful in convincing even the respected Arkansas Gazette to drop the use of "right-to-work." When asked about its use of the term the Gazette replied that it always placed it in quotation marks to indicate it was a nickname or unofficial name.<sup>11</sup> This excuse did not placate the unions

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<sup>11</sup> Arkansas Gazette, May 2, 1976, p. 1C.

at all -- if the Gazette wanted to use a nickname for the law why could it not use one of labor's nicknames, they wondered.<sup>12</sup>

Therein lay one of labor's biggest worries in its fight for ratification of Amendment 59. The Arkansas press was -- from the liberal Gazette to the conservative Fort Smith Times-Record -- universally opposed to 59. A brief survey of the editorial opinion on right-to-work follows:

Amendment 59 gives the unions too much muscle, which is to collect money from people whether they want to contribute or not...it just does not have that basic ring of freedom.  
-- Evening Times of West Memphis

Amendment 59 would take away the basic right of an individual to have freedom of choice when it comes to belonging to a union.  
-- Yell County Record

We disagree with (labor's) campaign of half-truths... We urge voters to consider the facts, not slogans or gimmicks... Becker will lose his fight to permit labor unions to make membership mandatory for anyone in this state. -- Southwest Times-Record

Our concern is for the unorganized minority. ... We believe that the guaranteed, coerced payment of dues to the union, coupled with the implicit new pressures upon employees to join the union, would concentrate rather more power in the hands of organized labor in Arkansas than labor can wisely use.  
-- Arkansas Gazette

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<sup>12</sup> Ironically, the term "right-to-work" was a slogan used years ago in a somewhat different context by labor leader and Socialist candidate for President Eugene Debs. It is doubtful that Debs would approve the contemporary use of the term.



In what is something of an about-face for the Gazette, having opposed passage of right-to-work in 1944, the last few lines of the editorial -- too much power in the hands of union bosses must have come as a shock to the state's union leaders. In a reply to the editorial via a letter to the editor, AFL-CIO head Bill Becker wrote:

How strange it is to see the Arkansas Gazette in league with the Birchers, bankers, Arkansas State Chamber of Commerce, and the other big money interests.... In opposing Amendment 59, the Gazette might well have pointed out its own self interests. A year ago, the Gazette carried on an aggressive campaign to keep a union from organizing the paper, and the Gazette won. The profit motive, as they say, certainly does make strange political bedfellows.<sup>13</sup>

No doubt labor found the Gazette position particularly painful. It could write-off the rest of the oppositions of the press as being the standard fare of socially irresponsible newspapers, but the Gazette was another matter. The champion of nearly every liberal cause since the New Deal had abandoned labor, and it hurt.

The Commission, the Catholics, and the Campaign

Another problem for labor was the lack of neutrality of a

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<sup>13</sup> Arkansas Gazette, October 31, 1976, p. 2E.

state agency, the Arkansas Industrial Development Commission. The commission, primarily made up of bankers, industrialists, and others not noted for their sympathy to organized labor, financed a study during the campaign over 59 to ascertain the merits of Arkansas' right-to-work law. Labor claimed the study was "loaded" and Governor Pryor suggested it would be inappropriate for the report to draw any conclusions which might affect voters' attitudes. The director of the AIDC denied the charge that the study was intended to influence the outcome of the election but admitted that the AIDC took exception to public statements by Becker that the right-to-work law had been detrimental to the state's economic progress.

When the report came out it did, as expected, view the states' right-to-work law in a very favorable light. Though no conclusions were drawn, there was little doubt that the 26-page report favored the retention of the law. The propriety of a supposedly neutral state agency issuing a report of such blatant political significance was strongly challenged by labor.<sup>14</sup>

In mid-July the Diocese of Little Rock issued a position paper on the right-to-work controversy. An effort was made

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<sup>14</sup> Arkansas Gazette, August 15, 1976, p. 14A.

in the paper to refute the major arguments for restrictive legislation involving collective bargaining. In reply to the charge that the closed shop inhibits the individual's freedom, the paper responded:

... The common good of industrial security may demand that individuals conform to norms laid down for the good of all. For reasons of social justice and in the interest of genuine freedom, individual rights may be restricted under certain conditions.<sup>15</sup>

The paper also mentioned the impropriety of workers who benefit from the presence of a union not having to pay dues to the union. Finally, the paper ascribed major social ramifications of the presence of right-to-work laws:

We believe that in taking our stand against the "right-to-work" law that we are challenging forms, however subtle, of racism, poverty, and economic inequities.<sup>16</sup>

The response of parishioners was immediate. In a letter to the editor of the Guardian, which carried the full text of the paper, a parishioner wrote:

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<sup>15</sup> The Guardian, V. LXV No. 29, July 16, 1976, p. 2.

<sup>16</sup> Ibid., p. 3.

I am of the opinion that our church leaders should concentrate on the problems within the church itself, and allow her members to decide for themselves on legislative issues. Gone are the days when, because of their education, the priests and Bishops had to lead their flock in matters other than faith and morals.<sup>17</sup>

Apparently the opposition was too great for the Bishop. Little was heard from the Diocese about Amendment 59 later in the campaign.

In August, the AFL-CIO announced that several employers had signed "if and when" agreements. These corporations agreed to allow union membership or dues payment as a condition of employment should 59 have been passed in the November election. Among the employers were some of the larger corporations in Arkansas. These included: Georgia Pacific, Southwestern Bell, Reynolds Metals, Aluminum Corporation of America, and Kroger, Safeway, and Weingarten food stores.

This leads to an interesting question: Is business in general, both "big" and "small", uniformly in favor of right-to-work legislation? The answer seems to be no.

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<sup>17</sup> Ibid., p. 5.

In larger corporations... the union is at least tolerated and, in many cases, thought to be of some value. The employer finds it convenient to have a union with which to conduct relations on an orderly basis.<sup>18</sup>

A similar opinion was expressed by a union official in an article in Fortune in 1957:

We've found that in the right-to-work states some of the big nationwide corporations which have the union shop elsewhere will often cooperate with us in getting new employees to join.<sup>19</sup>

Both articles continue by making the argument that the real force behind right-to-work laws was small business and farm groups; Fortune naming specifically the American Farm Bureau Federation. One theory advanced is that small farmers support the laws because they go to work in the factories during the winter and do not want to join the union for that period. At any rate, it appears that "big" business has resigned itself to the presence of fairly strong labor unions and has largely been an on-looker in the battle over right-to-work.

To combat the effects of the AIDC report and its favor-

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<sup>18</sup> Hywell Evans, Governmental Regulation of Industrial Relations, Ithaca, New York State School of Industrial and Labor Relations, 1961, p. 93.

<sup>19</sup> Fortune, V. LVI No. 2, September, 1957, p. 235.

able analysis of the state's right-to-work law, the AFL-CIO commissioned its own study of the state's economy. The AIDC report had compared the economy of Arkansas over the last twenty years with that of Louisiana, a non-right-to-work state during that period. Arkansas' manufacturing employment rose 166.8 percent in that period compared to an increase of only 28.3 percent in Louisiana, according to the report. Also, the difference in the per capita incomes of the two states had narrowed from \$306 to \$191 during that period.

The AFL-CIO report argued that the AIDC report had measured the state's economic "growth" rather than the more qualitative element, economic "development." The report concluded that Arkansas' right-to-work law had the effect of keeping wages low, thereby restricting local markets and tax revenues and holding back the state's economic development.

It is difficult to ascertain the impact these economic arguments had on the voters. Possibly, other than bolstering pre-established positions, they had very little influence at all. The business incentive argument used by 59's opponents would seem to be the more persuasive in a state as economically backward as Arkansas, however. The agricultural sector of the state has experienced a decline in employment potential in recent years as a result of the increasing mechanization of farming. Thus,

there perhaps exists a need for some other type of employment, even the lower-wage variety, to accommodate an excess labor supply.

In mid-October the campaign began to heat up. The chairman of the Arkansans for Progress Committee, Sam Boyce, charged that the Freedom to Work Committee was using the propaganda technique known as the "big lie" in suggesting in its advertisements that some workers would be forced to join a union should Amendment 59 pass. Boyce compared the literature of the committee with the propaganda techniques used by Adolf Hitler, calling it:

...a saturation radio and television campaign to sale the "big lie" to the people of Arkansas.... a desperate bid by socially irresponsible men to hang onto their undue advantage... a cynical campaign of high-priced distortion.<sup>20</sup>

Boyce also made reference to a newspaper account of a speech given by Arkansas Chamber of Commerce President Allen Nixon in which Nixon told the Northeast Arkansas branch of the NAACP that: "We're meeting tonight in a church, a church of our choice, but if 59 passes we will lose this freedom we have."<sup>21</sup>

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<sup>20</sup> Arkansas Gazette, October 22, 1976, p. 19A.

<sup>21</sup> Ibid.

The Freedom to Work Committee did seem to be running something of a "fear" campaign. In one prominent quarterpage advertisement was a headline which read: "If you're confused about how to vote on Amendment 59; be safe and vote against it."

The advertisement continues:

If you don't understand what 59 can do to you and your job, then you should vote against it. . . . Amendment 59 could force you to join a union or be fired.<sup>22</sup>

The pro-59 literature, on the other hand, seemed to be very defensive in nature; revealing, perhaps, labor's sensitivity to its opponents' charges. The headline of an equally prominent Arkansans for Progress ad read: "The Bigboys are running a slick advertising campaign to sell you something that just isn't true." The first part of the ad continued the defensive theme by emphasizing the fact that each individual's freedom to join or not to join a union was protected by federal law and that Amendment 59 would not force anyone to join a union.

Labor spent much of the campaign trying to negate the effects of its opponents charge that, "Amendment 59 could force you to join a union or be fired." It seemed to have very limited

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<sup>22</sup> Arkansas Gazette, October 30, 1976, p. 24A.



success in doing so and efforts to respond to the charges allowed the anti-59 forces to set the tone of the campaign. Instead of advancing its own issues, labor tended to address itself more to answering the issues raised by business.

The anti-59 campaign, in the tradition of the Nixon campaigns against Jerry Voorhis in 1946 and Helen Douglas in 1950, kept labor busy trying to quell the brush fires set by its opponents, fires which served the diversionary, albeit effective, purpose of keeping labor off balance and on the defensive.

The campaign did succeed in arousing the interest of the Arkansas voters. Over 94.6 percent of the people going to the polls on that election day cast ballots on Amendment 59. This was significantly greater than the 88 percent that voted on Amendment 56, an amendment to allow increases in the salaries of state officials, but slightly less than the 94.9 percent of the voters which voted on Amendment 57, a provision to allow the state legislature to exclude intangible property from taxation. Almost as many (482 less to be exact) voters cast ballots on Amendment 59 as voted in the gubernatorial race.

There was some speculation early in the fall that an unpopular amendment on the ballot (Amendment 59) would cause all the other amendments to be rejected. The thinking here was that voters, not being very discriminating by nature, would rather

vote against everything than possibly slip-up and cast a ballot for the labor bosses. Such a theory proved groundless. The majorities by which the other amendments passed were even greater than the 64 percent majority voting against Amendment 59.

Environmental Factors Contributing to the Vote on  
Amendment 59

"The passage of union legislation," according to Moore, Newman, and Thomas, "is conditioned by the climate of public opinion."

Proponents and opponents of right-to-work laws attempt to influence public opinion, but to a large extent that opinion is shaped by a state's social, political, and economic structure.<sup>23</sup>

It could therefore be expected that various groups would tend to respond to demands for right-to-work legislation in different ways; depending, for example, upon economic status, social class, or political attitudes. Hence, differences could be expected to be found among the Arkansas counties in levels of support for right-to-work legislation which are reflective of differences in the social, political, or economical environments of the counties. Specifically, the following five propositions are advanced regarding

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<sup>23</sup> Moore, Newman, and Thomas, p. 199.

differences in support of right-to-work as were exhibited in the balloting on Amendment 59.

- A. Counties which tended to give the most support to the amendment were counties which have traditionally supported union backed candidates or issues.
- B. Counties which voted heavily against the original passage of right-to-work in 1944 could be expected to have voted in large numbers for the repeal of right-to-work in 1976.
- C. Counties with a high proportion of their population which are retired or over 65 tended to support right-to-work more than counties with younger populations.
- D. The more industrially oriented was a county's economy, the greater was the support for Amendment 59. The more agriculturally oriented was a county's economy, the greater was the opposition to the amendment.
- E. In terms of socio-cultural geography, the conservative northwestern part of the state is expected to have shown the greatest opposition to the repeal of right-to-work.

The aforementioned affinity of labor for the incumbent Governor David Pryor might be thought to cause some sort of correlation between the vote for Pryor in previous state-wide races and the 59 vote. No such correlation was apparent, however, between the counties which supported Pryor in a contest against Orville Faubus in a 1974 race and the counties which tended to support Amendment 59 in greater numbers.

This seems somewhat unusual as the Pryor vote in a previous race is found to have a strong positive correlation with the pro-59 vote. The particular contest involved was a 1972 Democratic Senatorial primary. Table I shows the two-way frequency distribution for the Pryor vote in that election and the right-to-work vote. The units involved are counties.<sup>24</sup>

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<sup>24</sup> See Appendix D for data sources.

Table I. Levels of Support for Amendment 59 and Pryor  
('72 Democratic Primary)

Pryor Vote	High	2 / 3%	2 / 3%	3 / 4%	N = 75  r = 0.304 P ≤ 0.05
	Med.	7 / 9%	9 / 12%	9 / 12%	
	Low	18 / 24%	19 / 25%	6 / 8%	
		Low	Med.	High	

Amendment 59 Vote

The fact that Pryor's support and support for 59 seem to have come from many of the same counties is unsurprising in view of the circumstances surrounding that 1972 election. John McClellan, Pryor's opponent, had a reputation of disdain for organized labor of national prominence. McClellan made a frequent point of connecting Pryor to a labor conspiracy to run him out of office during the campaign and was successful in playing his "pawn-of-the-labor-bosses" theme well enough to disprove the political maxim that incumbents forced into run-offs are usually defeated.

Table II shows the frequency distribution of a vote on the proposed Arkansas Constitution of 1970 and the Amendment 59 vote. The table and the Pearsonian correlation coefficient clearly show that a negative relationship exists between the two variables. Labor opposed the proposed Constitution because, among other reasons, Section 16 of Article II assured the perpetuation of the state's right-to-work law in the Constitution. Those counties with a high percentage for 59 had a correspondingly low percentage for the adoption of the proposed Constitution.

Table II. Levels of Support for Amendment 59 and the Proposed Constitution

Proposed Constitution Vote	High	2 / 3%	1 / 1%		N = 75  r = -0.192  P <u>≤</u> .05
	Med.	5 / 7%	4 / 5%	2 / 3%	
	Low	20 / 27%	25 / 33%	16 / 21%	
		Low	Med.	High	

Amendment 59 Vote

A statistically significant relationship is also found between the vote for a proposed constitutional amendment in 1974 to permit private contracting for state printing and the 59 vote. The cause of this negative relationship ( $r = -0.207$ ;  $P < .05$ ) is difficult to define unless it is viewed in a philosophical perspective. Those interests opposed to governmental activities which can be performed by the private sector, those interested in the "free enterprise" system, would likely be in favor of a right-to-work law on similar classical liberal grounds; basically an opposition to the concentration of power or influence.

A strong negative relationship is also found between a 1974 vote on a proposed constitutional amendment which would have allowed the legislature to set maximum interest rates and the vote for Amendment 59. The amendment would have removed the constitutional limitations on the maximum rates, among the lowest in the country, and would have allowed the General Assembly to set the rates. The proponents of the amendment argued that by raising the maximum interest level, more capital would be attracted to the state and an improvement in business conditions would take place. That particular argument, used two years later in opposing repeal of right-to-work, did not seem to impress the

Table III. Levels of Support for 59 and the "Interest Rate" Amendment

"Interest Rate" Amendment Vote	High	4 / 5%	1 / 1%		N = 75 r = -0.338 P $\leq$ 0.05
	Med.	6 / 8%	7 / 9%	3 / 4%	
	Low	17 / 23%	22 / 29%	17 / 23%	
		Low	Med.	High	

Amendment 59 Vote

voters in this case. Labor was active in opposing the amendment and by arousing subliminal populist feelings among Arkansas voters was able to overwhelmingly defeat it.

The votes for Nixon in the Presidential elections of 1968 and 1972 both are found to have fairly strong relationships with the Amendment 59 vote. The weaker correlation of the 1968 voting patterns is probably attributable to the third party candidacy of George Wallace.

In 1968 many conservatives, individuals not likely to support



the position of organized labor on right-to-work, who had traditionally voted Democratic probably went with Wallace's AIP and thus took votes away from the other recognized conservative candidate -- Nixon. Therefore, the state's conservative vote was divided in 1968. Nixon's position on right-to-work had been well established throughout his political career. Labor leaders had no doubt that he would have been willing to sign a national right-to-work law had one been passed by Congress.

The correlation coefficient of the 1968 Nixon vote and the 59 vote ( $r = -0.222$ ;  $P \leq .05$ ) was, as mentioned above, weaker than that between the 1972 Nixon vote and the 59 vote. Table IV

Table IV. Levels of Support for 59 and Nixon (1972)

Nixon Vote (1972)	High	7 / 9%	4 / 5%	2 / 3%	N = 75  r = -0.339  P ≤ 0.05
	Med.	16 / 21%	18 / 24%	5 / 7%	
	Low	4 / 5%	8 / 11%	11 / 15%	
		Low	Med.	High	

Amendment 59 Vote

shows the two-way frequency distribution for the 1972 vote and the 59 vote. Of the 23 counties with relatively low support of the Nixon candidacy ("low" in this case was less than 65 percent), almost half were found to be high in their support for 59.

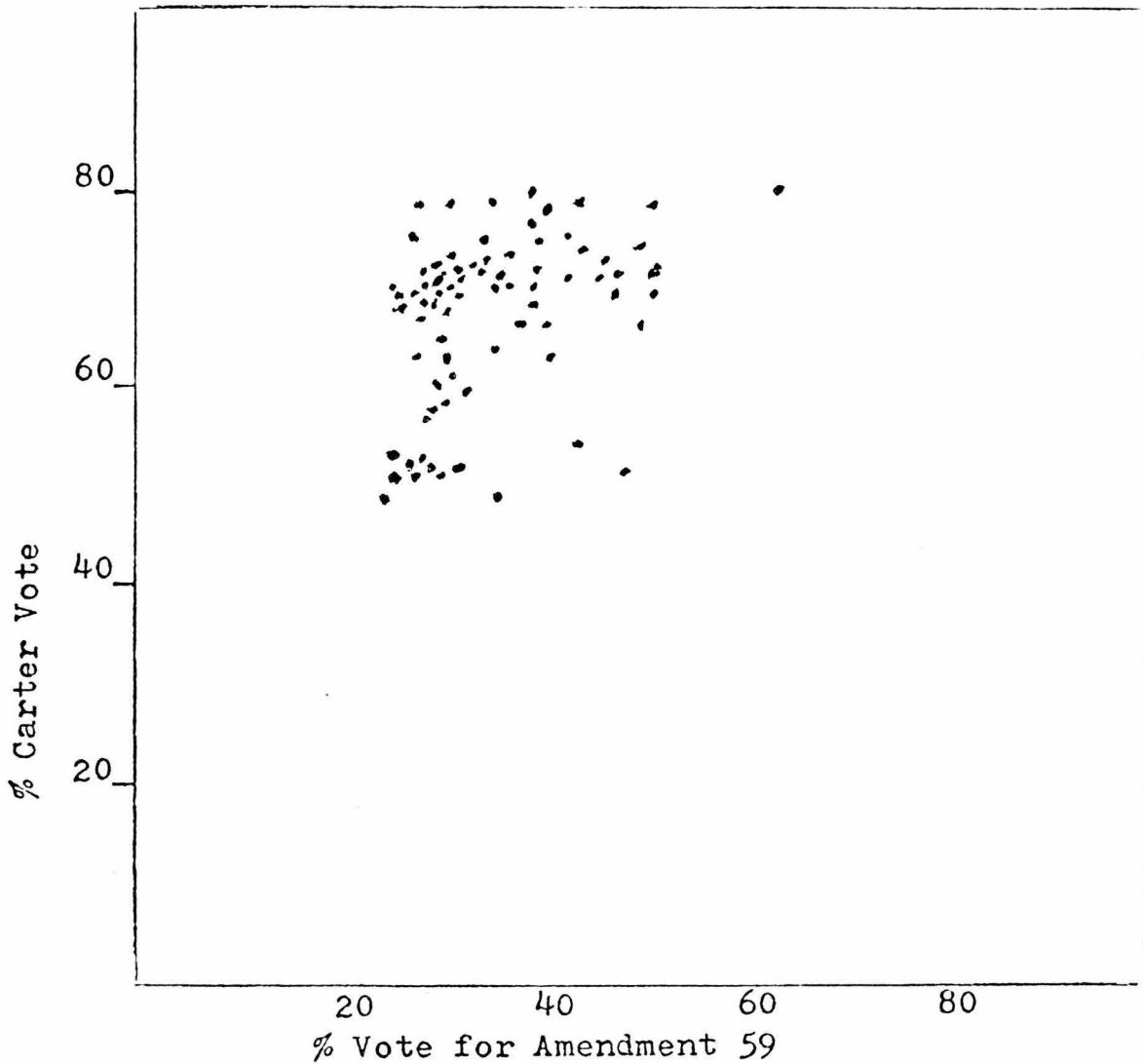


Figure I. Levels of Support for 59 and Carter, by counties

On the same day they were casting ballots on Amendment 59, the voters of Arkansas were choosing between Jimmy Carter and Gerald Ford in a Presidential contest. Both candidates had well known positions on the right-to-work issue, Carter had stated he would be willing to sign the repeal of 14(b) and Ford opposed repeal of the section. This being the case, it is not surprising to find a strong positive correlation between the Carter vote and the Amendment 59 vote.

Figure I, a scattergram showing the associational tendencies between the Carter vote and the 59 vote, clearly indicates a strong positive relationship between the two variables. The correlation coefficient of 0.376 was the highest of any environmental attribute compared to the Amendment 59 vote. Most of those counties with both a low Carter vote and a low 59 vote were in the northwest part of the state. The state's voters were willing to cast almost two-thirds of their ballots on the same day for both a candidate pledged to sign the repeal of 14(b), and against the repeal of Arkansas' right-to-work law.

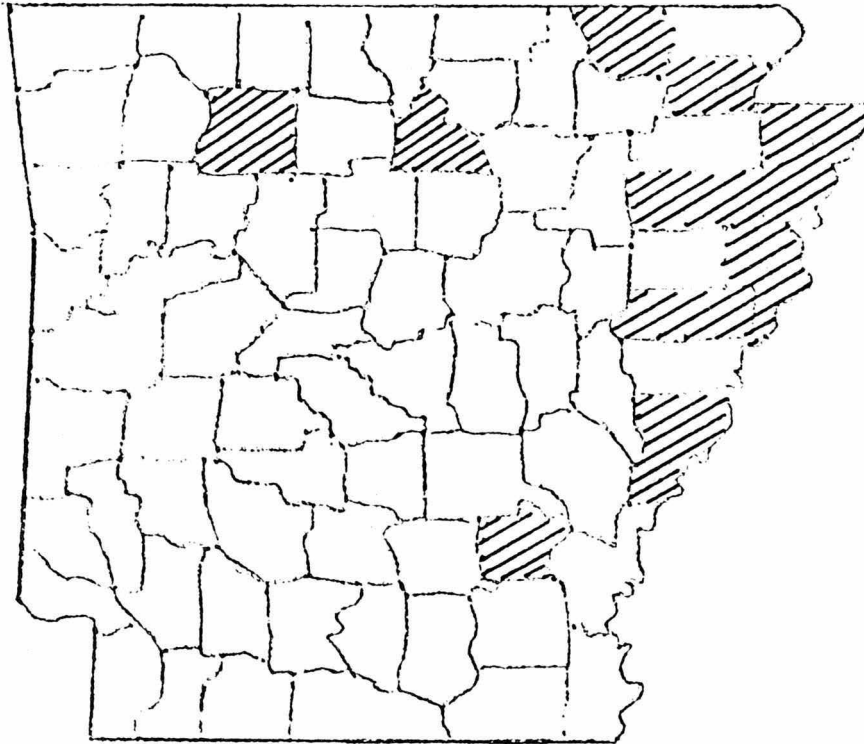
Generally it can be said that, as was stated above, counties which tended to give the most support to Amendment 59 were counties which had traditionally supported union candidates or issues. It

seems that the more apparent was the distinction between a pro-union and anti-union candidate or issue, the stronger was the correlation with the right-to-work balloting. In a Faubus-Pryor contest, for example, neither candidate could be identified as being anti-union. In a Pryor-McClellan election, on the other hand, there was present the ability to identify an anti-labor candidate and thus a stronger correlation was found with the Amendment 59 vote.

Surprisingly, little correlation was found between the vote on Amendment 35 in 1944 and the vote on Amendment 59 ( $r = .166$ ). Of the 75 counties, 22 had a difference between the vote against Amendment 35 and the vote for Amendment 59 of seven percent or less; 43 counties experienced a drop in opposition to right-to-work of eight percent or more; and ten counties experienced a gain in opposition to right-to-work of eight percent or more. Figure II. shows the ten counties in which the percentage vote for 59 was greater than the percentage vote against 35 by more than seven percent.

Figure II. Counties with substantially increased opposition to right-to-work

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Six of the ten counties were in the delta, three were in the border region, and one was in the mountain region. Two possible explanations emerge as to why these counties had an increase in opposition to right-to-work over the 32 year period while most other counties tended to show increased support for the law. First, there may have taken place a substantial increase in industrial activity in these counties providing for more workers in a position to engage in collective bargaining. It is doubtful that these workers would have any affinity to a right-to-work law which would weaken

their position vis-a-vis management and permit the existence of the so-called "free-rider."

The other possibility is that blacks, a group thought to be more opposed to right-to-work laws than the population in general, were largely excluded from electoral participation in 1944 in the Eastern Arkansas counties and have since begun participating in normal numbers. Thus, the greater vote for 59 in these counties is merely the result of more blacks going to the polls.

A greater puzzle is presented by those counties which had a tremendous drop from their opposition to Amendment 35 to their support for Amendment 59. The five counties having the greatest change in vote were geographically disperse: Dallas (-28%) and Desha (-30%) in the southeast; Garland (-38%) in central Arkansas; Howard (-25%) in the southwest; and Madison county (-30%) in the northwest. Why Garland county, for example, would give only 32 percent support to Amendment 59 after opposing the original passage of Amendment 35 by more than 70 percent is difficult to understand.

Little similarity in sources of support for the union position on right-to-work was found between the 1944 election and the 1976 election. It therefore seems possible to suggest that those environmental factors which are associated with attitudes toward

right-to-work have undergone significant change in the state during that 32 year period. A diachronic analysis of the co-variation of environmental attributes and the right-to-work votes could produce some interesting results.

It has been suggested that for the last several years one of the main sources of growing Republican strength in the South was from the migration of individuals from the North who carried with them their Republican identification. These same individuals, perhaps many of whom are retired and seek a more temperate climate in the South, have views regarding labor unions or the union shop which are something less than favorable.

Table V. Support for 59 and percent born out-of-state

	High	7 / 9%	2 / 3%	
% Born out-of-state	Med.	9 / 12%	15 / 20%	7 / 9%
	Low	12 / 16%	13 / 17%	11 / 15%
		Low	Med.	High

N = 75  
r = -0.328  
P  $\leq$  .05

Amendment 59 Vote

Table V. shows that there is a tendency for those counties with a high proportion of their population born in a different state to support Amendment 59 in fewer numbers than counties with fewer citizens born out-of-state.

Substantiation of the proposition that the attitudes of these retirees toward right-to-work tend to be more favorable than the public in general can be found in indicators of the relationship between the proportionate size of the population over 65 years old and the vote on Amendment 59. The correlation coefficient ( $r = -.254$ ;  $P \leq .01$ ) indicates that the counties with a high proportion of their population over 65 tended to give less support to 59 than other counties. Additionally, there is a consistent variation in the mean age of the counties according to their relative support of Amendment 59 as shown in Table VI.

Table VI. Variation in median age and the Amendment 59 vote

<u>Amendment 59 Vote</u>	<u>Median Age</u>	<u>N</u>
less than 28%	34.5	15
28 - 34%	31.5	20
35 - 40%	31.1	22
more than 40%	30.4	18



It may be that many of these elderly citizens living on fixed incomes perceive right-to-work legislation as a means of minimizing the power of labor unions; thus keeping wages low; and thus combating inflation. Inflation is probably thought by many of the elderly to be the greatest threat to their well-being. Though it is impossible to establish a direct relationship between retirees and the voting on Amendment 59, it appears that those factors generally associated with the presence of a sizable retirement community; out-of-state origin, median age, and proportion of the population over 65, were consistently found to have a negative relationship with pro-amendment vote.

Other social indicators which might have been expected to have some relationship to the right-to-work balloting, but which the data indicated did not, are worth noting here. Neither percent urban population nor population density had a statistically significant relationship with the 59 vote; though in both cases it appears that the greatest opposition to 59 came from sparsely populated or rural counties. Variation in the educational characteristics of the counties was not found to be significant according to levels of support for Amendment 59. Finally, race appeared to be an insignificant factor in the voting on Amendment 59. The role of blacks in the controversy will be dealt with in detail later, however, and a possible explanation for the absence of

a relationship in the aggregate data will be provided.

Most of the environmental analyses of the passage of right-to-work legislation tend to emphasize economic factors as the independent variables most important in determining public demand for restrictive measures toward closed shops. In view of the fact that most of the researchers conducting these investigations are economists, this tendency is not surprising.

The proposition was advanced above that the public demand for right-to-work legislation is determined in part by the degree of industrial development of the economic environment, the more developed an area -- the greater the opposition to right-to-work. Only limited substantiation of this proposition was found in the data, however.

The occupational characteristics of the population were, in all cases, found not to have any value in determining the 59 vote. The size of the labor force involved in wholesale and retail trade, the proportion employed in professional-managerial positions, and the percentage employed by the government, were all found to have no significant relationship with the Amendment 59 vote. A slight, albeit not significant, positive relationship was found between the size of the labor force employed in manufacturing and the vote for 59. Also, the variation in family income level among the counties appeared to have no bearing on the 59 vote.

One prominent economic variable deserving of special attention is a measure of the importance of agriculture in a county. As shown in Table VII., it appears that the greater the number of sizable farms, the greater was the opposition to Amendment 59. In the 15 counties which gave the least support to the amendment, 21.5 percent of the farms had sales of over 40,000 dollars per year. In the 18 counties which gave it the highest percentage of votes, only 12.5 percent of the farms had yearly sales in excess of 40,000 dollars. This would appear to contradict the previously mentioned theory that one source of support for right-to-work legislation was from small farmers who worked in industry in the off-season.

Table VII. Support for Amendment 59 and the Presence of Large Farming Interests

Number of Farms with Sales of \$40,000+	High	5 / 7%	6 / 8%	
	Med.	13 / 17%	10 / 13%	6 / 8%
	Low	9 / 12%	14 / 19%	12 / 16%
		Low	Med.	High

Amendment 59 Vote

N = 75  
r = -0.267  
P ≤ 0.05

Perhaps one reason for the limited value of economic factors in determining the demand for right-to-work legislation in Arkansas lies in the unconcentrated or decentralized nature of the state's industry. A concerted effort was made, especially during the Rockefeller administration from 1966 until 1970, to spread industrial development throughout the state. New firms coming into the state were encouraged to locate in previously agricultural areas. This absence of a concentrated union labor force could also account for labor's weak position in the state legislature.

There appeared to be little or no regional pattern to the vote on Amendment 59. Broken down by regions, the mountainous northwest part of the state had a 33.6 percent level of support for 59, the border region a 36.1 percent level of support, and the mean percent of support among the delta counties was 35.4.

Also, the county typology of Savage and Price proved to have little or no association with the right-to-work vote.<sup>25</sup> Their "Ozark county" type did tend to give the least support to the amendment, however. This is perhaps reflective of the "Moralistic orientation" attributed to that subcultural pattern. This orientation

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<sup>25</sup> Robert L. Savage and John P. Price, "Regionalism in Two Southern States: An Exploratory Study of Politicocultural Cleavages," An unpublished paper delivered before the annual meeting of the Southwestern Political Science Association, March 30 - April 2, 1977.

seems generally centered around individual initiative as opposed to governmental or group (e.g., labor union) action in solving social problems.

Figure III. Levels of support for Amendment 59 among the Arkansas counties

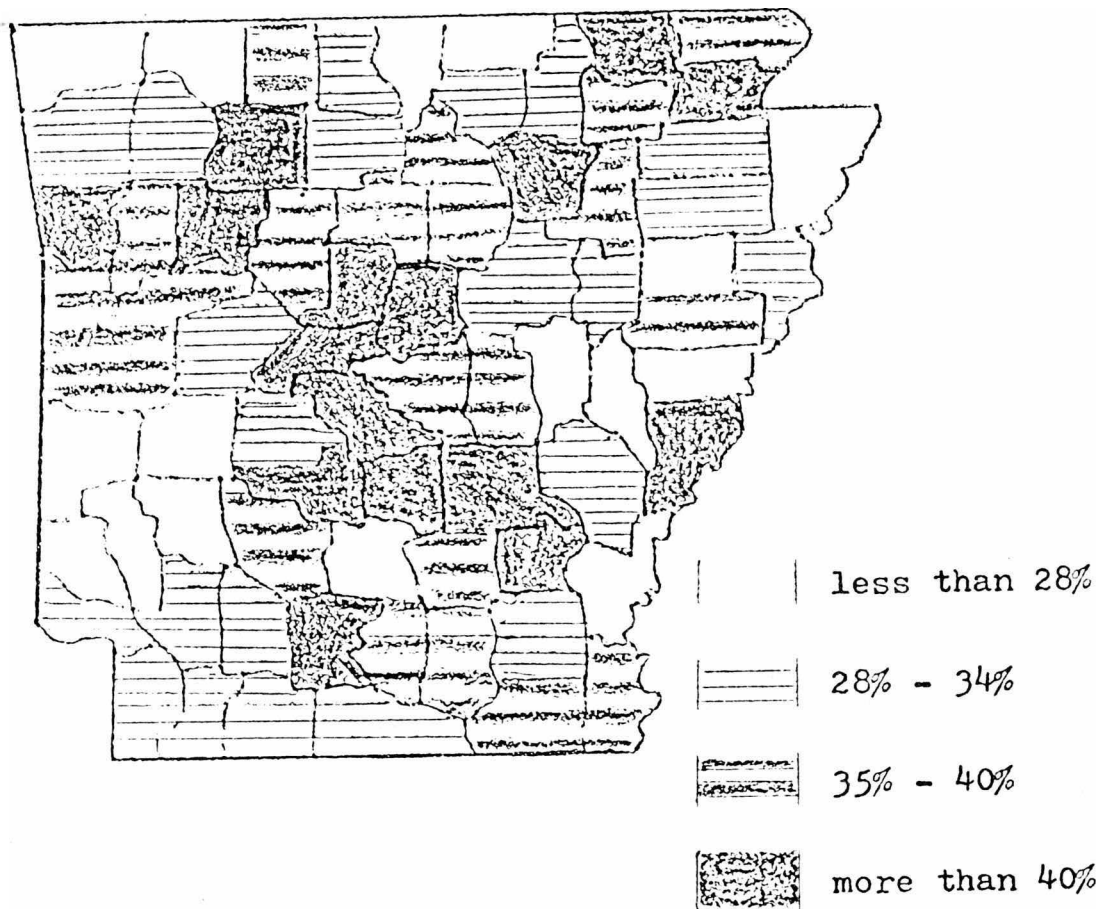


Figure III., showing the geographic dispersion of the support for Amendment 59, suggests that there may be a few areas of the state which exhibited similar voting patterns on 59

but that these patterns do not follow the normal delta-mountain cleavage commonly seen in the state's politics. The southwestern part of the state was perhaps the most prominent area to give generally low support to the amendment; and central Arkansas, especially those counties adjacent to Pulaski, seem to have had the strongest support for the amendment of any contiguous area of the state. Eastern Arkansas, which heavily supported the original passage of the amendment in 1944, gave very mixed reactions to the proposed repeal. The adjacent counties of Phillips and Lee supported 59 with 45 and 26 percent of their votes respectively.

#### Conclusion

The public relations campaigns which accompanied Amendment 59 were intense and thorough. Except by inference, it is impossible to ascertain precisely what special segments of the population the various appeals were addressed to. It is also difficult to determine if the PR campaigns had the effects they were intended to have. The public is not passively influenced by public relations campaigns, according to Lester W. Milbrath.

People have their own ideas on public policy which they communicate with one another, the total political climate resulting from this multitude of interactions may have

much wider ramifications and results quite different from those anticipated by the planners of the PR campaign.<sup>26</sup>

Variation in the electoral outcome, however, can be measured to determine how different groups responded to organized labor's demand for an end to right-to-work in Arkansas. Of the five propositions advanced above, two can be rejected, one remains unclear, and two can be tentatively accepted. No relationship was found between the way a county vote on Amendment 35 in 1944 and the voting on Amendment 59, nor was there present any significant regional variation in the voting. Counties which had traditionally supported labor backed candidates and issues were generally found to give more support to Amendment 59 than other counties and counties with proportionately large numbers of older or retired citizens tended more to oppose the amendment. No conclusions can be drawn as to the importance of the type or degree of economic activity in a county as a determinant of the demand for right-to-work legislation. Although a few indicators of economic activity did suggest some relationship between economic environment and right-to-work voting, more seemed to indicate little or no important relationship between the two variables.

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<sup>26</sup> Lester W. Milbrath, The Washington Lobbyists, Chicago, Rand, McNally and Co., 1963, pp. 252-253.

## Chapter III

## Right-to-Work in Louisiana: The Passage of HB 637

Louisiana is the only state ever to pass a right-to-work bill, repeal it, and then pass it again. The state first passed a right-to-work law in 1954. Labor was disorganized at the time and was unable to stop the passage of the act or to influence the governor, Robert Kennon, to veto the measure. Labor came back in the elections of 1956, however, and was successful in electing both a legislature with a majority of pro-labor members and a governor willing to oblige labor by signing the repeal of right-to-work, the colorful Earl K. Long.<sup>1</sup> For the next two decades a fairly powerful and well organized labor movement controlled the state's legislature sufficiently to prohibit any major attempts at enacting another right-to-work law.

If a specific event could be cited as signifying the end of labor's dominance of the legislature on labor-related issues, it would almost certainly be the establishment in late 1975 of the Louisiana Association of Business and Industry (LABI). The LABI was formed through a merger of the Louisiana Manufacturers Association, the Louisiana State Chamber of Commerce, and the

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<sup>1</sup> See A. J. Liebling, The Earl of Louisiana, New York, Simon and Schuster, 1961.



Louisiana Political Education Council. Its major goals were claimed to be:

...to restore political balance at the decision-making level, too long dominated by organized labor, and to strengthen the economy of the state by removing all man-made impediments to economic growth.<sup>2</sup>

The director of the Association was Edward Steimel, former head of the Public Affairs Research Council (PAR), an organization which also played a role in the passage of right-to-work in Louisiana.

PAR's "study" of the state's economy in 1975, later used as a weapon in the legislative battle over right-to-work, concluded that the absence of a right-to-work law was the single most important factor in limiting the state's growth. PAR's "study" consisted primarily of a survey of all executives of manufacturing plants with 50 or more employees to determine their attitudes toward industrial development in the state.

Louisiana's business leaders were asked if they would like to have a right-to-work law (they would), if they thought it would help the state's economy (they did), and if they knew who was responsible

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<sup>2</sup> How Louisiana Passed Right-to-Work, The Louisiana Association of Business and Industry, 1977, p. 2. In a personal interview Steimel denied that the Association was formed specifically to pass a right-to-work law, but it is easy to see how such a campaign would be apropos to the stated goals of the Association.

for the poor business climate in the state (organized labor, of course).

The LABI and the Louisiana Political Action Council joined forces in the fall elections of 1975 to support business-oriented candidates in legislative races. Of the 73 candidates picked by the organizations as being favorable to business interests, 51 were eventually elected. The AFL-CIO supported the losing candidate in most of those contests.<sup>3</sup>

With their newly-gained support in the legislature, all the business people needed was some sort of catalyst to give them reason for action on right-to-work. That catalyst was provided in January of 1976 when labor violence broke out at the Jupiter Chemical plant in Lake Charles. The plant was being constructed by labor from the American Federation of Unions, a multi-craft union competing with the AFL-CIO. In a fight between members of the two groups one man was killed, several were injured, and considerable property damage was incurred. Several AFL-CIO members, including top local union officials, were arrested and indicted as a result of the incident.<sup>4</sup> According to LABI head Edward Steimel: "The chemical incident in Lake Charles was one

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<sup>3</sup> Ibid., p. 14.

<sup>4</sup> New Orleans Times-Picayune, January 16, 1976, p. 1.

of the things which, without question, triggered it all."<sup>5</sup>

With the public reaction to that incident creating a favorable environment, LABI leaders began to consider pushing right-to-work in the 1976 legislature rather than launch the lengthy campaign for it they had previously envisioned. Before that time right-to-work was viewed as a long-term project which they thought could take two years to complete.<sup>6</sup> A six-point program of strategy to pass a right-to-work law was outlined by LABI officials in late March. This program included: (1) a statewide public opinion poll to determine the public support for right-to-work; (2) a plan for grass-roots support by trade associations and chambers of commerce; (3) a special publication on Louisiana's lagging economy; (4) a television film production; (5) intensive lobbying in the legislature; and (6) the accumulation of sufficient funds to support the entire project.

Right-to-work forces suffered initial set-backs in the state legislature in mid-May. Efforts to keep the several right-to-work bills away from the Labor and Industrial Relations Committee in the House and the Labor Committee in the Senate

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<sup>5</sup> Personal interview with Edward Steimel, June, 1977.

<sup>6</sup> How Louisiana Passed Right-to-Work, p. 4.

were unsuccessful. Both committees had a majority of pro-labor members and had been a graveyard for previous right-to-work proposals. The House sent all three of the bills to the Labor Committee by a vote of 51 to 36. The Senate did the same thing by a vote of 23 to 15.

As a prelude to the further legislative battles forthcoming, the LABI began its public campaign for right-to-work. The association released its publication, The Stalled Louisiana Economy, in an attempt to demonstrate the comparatively slow economic growth of the state over the past 25 years. That 24-page publication, replete with charts, tables, and graphs, seemed generally directed at the state's business community. A saturation media campaign was begun about the same time to "educate" the public of the benefits of a right-to-work law. The campaign was conducted via television, radio, and newspaper in every media market in the state. The 30-second television spots were placed during the 6:00 and 10:00 p.m. local newscasts for maximum exposure to audiences likely to respond by contacting their legislators. The mass media effort lasted but about two weeks and was largely over by the first of June.

The LABI's statewide public opinion poll taken in early

April indicated widespread support for right-to-work.<sup>7</sup> According to the poll, 74.5 percent of the state's registered voters believed that union membership should not be a condition of employment, and 76.9 percent favored passage of a right-to-work law. The telephone poll of a stratified random sample of 1000 of Louisiana's registered voters was followed by six smaller regional polls.

Support for the proposed law was strong in all areas of the state. Dividing the state into four sections, the favorable reply rates included 69.9 percent in the Florida parishes (including Baton Rouge); 77.6 percent in North Louisiana; 78.6 percent in South Louisiana; and 78.9 percent in the New Orleans area.

The regional polls produced similar results. The voters in a senatorial district in New Orleans with a majority of blacks, represented by Sidney Barthelemy, favored right-to-work by a margin of five to one. Almost 75 percent of the respondents favored the proposal and only 14.3 percent opposed it. Barthelemy was apparently not impressed, however; he voted against right-to-work anyway.

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<sup>7</sup> It should be remembered in reviewing the findings of these surveys that they were conducted by the right-to-work forces for one main reason -- to convince the legislature of the overwhelming support the proposal enjoyed among the state's voters. The many subtle ways for the pollster to influence the outcome of his poll are too numerous to describe here. The findings of the surveys are reported for two reasons.

Voters in Senate districts 18 and 19, encompassing the parishes of Livingston, Ascension, St. James, St. John, St. Charles, and part of Lafourche, favored right-to-work by a four to one margin -- 71 percent to 18 percent. Again, both senators voted against right-to-work.

Ouachita Parish (Monroe) voters favored passage of the law by a margin of 69 percent to 21 percent. The senator from that district also voted against right-to-work.

Calcasieu Parish (Lake Charles) showed the least support for right-to-work indicated by the regional polls. Almost 62 percent of the voters of that parish favored passage of a right-to-work law and 27 percent opposed the bill.

Lafayette Parish, in the heart of Acadiana, recorded the greatest support for the proposal among the regional polls. The voters of that parish favored the law by an 84.5 percent to 6.9 percent margin, almost twelve to one.

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First, they obviously were a factor in influencing the various legislators' voting decisions on right-to-work. It is difficult to ignore a poll showing your constituents support a bill ten to one. Also, it seems reasonable to assume that relative differences in the surveys are accurate. That is, should the polls, for example, indicate that whites favored right-to-work eight to one and blacks favored right-to-work seven to one; even if it is assumed that the polls are designed to produce an overly favorable response there is no reason to believe that the techniques used to produce this response would effect blacks and whites differently. Therefore, it may be assumed that blacks oppose right-to-work more than whites although the exact degree of opposition in both cases is questionable.

Statewide, little variation was found in age. 75.5 percent of the youngest category, 18 to 29 year olds, favored right-to-work and 78.6 percent of the oldest category, 60 years and over, did so.

By occupation, those in administrative positions were for the law 87 percent to 1.3 percent and those in sales and clerical positions were for it 80.4 percent to 9.8 percent. Those employed in laboring jobs supported the proposed right-to-work law 70.3 percent to 20.1 percent.

Blacks, according to the poll, favored right-to-work in slightly fewer numbers than did whites. Blacks favored the bill 72 percent to 18.3 percent and whites were for it 78.4 percent to 10.3 percent.

Unfortunately, no record was made of religious differences in attitudes toward right-to-work. However, since religious cleavages in the state occur along well defined regional lines, it seems possible to conclude that the Catholics of South Louisiana and the Protestants of North Louisiana were pretty much in agreement on the issue as indicated by the geographic breakdown in support for the law mentioned above.

The next legislative battle over right-to-work occurred in early June when the House Labor and Industrial Relations Committee

held hearings on HB 637, a proposed statute declaring right-to-work public policy.<sup>8</sup> Because of the large crowd present for the hearing, estimated at close to 500, it was shifted from a regular committee room to the House chamber. Twenty-five persons testified on the bill during the day-long hearings, 12 for and 13 against.

Proponents argued that the bill would create more lower-paying jobs and ease the state's unemployment problem. The absence of a right-to-work law was cited as the reason the town of Vivian failed to get a plant which would have employed 500 workers. An economist testified to the necessity of developing new jobs to replace the declining oil and gas industry. Anti-union arguments were also given a thorough airing. One representative asserted that the reason new industry would not locate in the state was because of the belief that, "Big labor controls our politics."<sup>9</sup>

Leading the opposition forces, AFL-CIO President Victor Bussie claimed that the bill would make possible the presence of "free-riders," individuals benefiting from the presence of a union without paying any dues. Bussie also cited figures showing Louisiana's manufacturing workers earned about 50 dollars a week

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<sup>8</sup> Right-to-work forces had previously intended to pursue a constitutional amendment but had given up on that by this time.

<sup>9</sup> New Orleans Times-Picayune, June 2, 1976, p. 1.



more than their counterparts in Arkansas and Mississippi. One black representative also disputed the claim by right-to-work proponents that the bill would help the state's blacks.<sup>10</sup>

When the vote on the bill finally came business forces had suffered another setback. HB 637 was reported unfavorably by a vote of seven to six. The bill's sponsors immediately stated that they would move to over-ride the vote in the full House.

That effort proved to be much easier than expected. When the over-ride motion was made labor forces offered no resistance and the motion was unanimously approved. A few days later, after a debate basically the same as that which occurred in the committee hearing, the House passed the right-to-work bill on a vote of 59 to 46. After the balloting, Bussie charged that the representatives had been deceived by a very expensive campaign sponsored by the LABI.

Representatives on both sides claimed that threats were made to them by their opponents. Three New Orleans legislators said they were threatened with recall if they did not vote against the right-to-work bill.<sup>11</sup> Representative Chris Ullo complained

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<sup>10</sup> Ibid.

<sup>11</sup> New Orleans Times-Picayune, June 5, 1976, p. 2.

that the head of an AFL-CIO teachers' union had sent him a telegram threatening "irrevocable action" against him if he voted for the bill. Finally, one spectator reportedly told Representative Richard Tonry: "Your mother bore you in labor and four years from now you're going out with labor."<sup>12</sup>

The bill met with some difficulty in the Senate Labor Committee. The sponsors of the bill expected the committee to report the bill unfavorably but thought that they had the votes to override the report in the full Senate. Their only problem was that they could not get the committee to report the bill. In desperation, the bill's sponsors finally resorted to a rarely-used tactic to force the committee to report the bill. After a suspension of the rules, a resolution demanding the reporting of the bill was submitted to the Senate. As an indication of the almost certain eventual passage of HB 637, the resolution passed 23 to 13 and the committee proceeded to report the bill unfavorably on a four to three vote.

The Senate, as expected, overrode the report and the bill

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<sup>12</sup> New Orleans Times-Picayune, June 9, 1976, p. 1. Right-to-work forces did not have to wait four years to get rid of Tonry. He soon after ran for Congress; won the election; had charges of voting fraud filed against him; resigned his seat; and lost a second election. Through it all his only defense was that his opponents had stolen more votes than he had.

was brought to the Senate floor for debate. By this time Steimel and others of the right-to-work forces thought they had it made. There was only one thing they feared, according to Steimel: intervention by the Governor. "The Governor probably could have stopped it in the Senate if he had chosen to do so," Steimel said.<sup>13</sup> Just before the floor debate was scheduled to begin, rumblings were heard from the Governor's Mansion.

When right-to-work was first brought up as an issue in Louisiana, Governor Edwin Edwards had assured both Bussie and Steimel that he would remain neutral in the controversy. Generally, he had kept his promise but on several occasions he did get somewhat involved. Most observers believed that Edwards, possibly thinking of running for the U.S. Senate, would have liked to have seen the entire right-to-work issue just disappear. When he made arrangements to address a joint session of the legislature on the issue just before the Senate was to take it up both sides were apparently caught by surprise.

In his speech before the legislature, Edwards proposed a compromise which would alter HB 637 in three ways: (1) union shops would be allowed in the construction industry on projects budgeted at over \$250,000; (2) existing union contracts would not

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<sup>13</sup> Steimel interview, June, 1977.

be terminated until their normal expiration; and (3) agency shops would be allowed where 75 percent of the employees voted for such a contract.<sup>14</sup>

Edward's compromise proposal was a dismal failure. The following day he called efforts at compromise fruitless and withdrew his plan. That same day, after three hours of debate, the Senate passed HB 637 by a vote of 25 to 14. In signing the bill into law Edwards said, "I sign it in the knowledge that it is a distinct departure from the way we have done business in Louisiana in the past 20 years."<sup>15</sup>

In reflecting on the struggle over right-to-work in the Louisiana legislature, LABI President Edward Steimel agreed that it was the smaller businesses which were solidly behind the law.

The smaller business people were more deeply involved. They really got in heavily -- little people giving four and five-hundred dollars. One man gave me \$1,000 and I didn't think he had \$100.00.<sup>16</sup>

As for the role of larger corporations, Steimel said:

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<sup>14</sup> Baton Rouge Morning-Advocate, July 8, 1970, p. 1.

<sup>15</sup> New Orleans Times-Picayune, July 10, 1970, p. 1.

<sup>16</sup> Steimel interview, June, 1977.

The real big companies did not get heavily involved. By the time right-to-work was passed we had very, very few contributions from major corporations -- utilities, railroads, oil -- nothing.<sup>17</sup>

One of the most powerful lobbies in the Louisiana legislature is said to be the oil and gas lobby. According to Steimel, that group stayed out of the right-to-work controversy almost completely. "They were interested bystanders but did not touch it," Steimel said.<sup>18</sup>

The Catholic Church apparently played no active role in the battle over right-to-work in Louisiana. Father Jerome Drolet, special consultant for social justice of the Archdiocese of New Orleans, did write a letter urging Senators to vote against the bill. However, Archbishop Phillip M. Hannan shortly afterwards said that Drolet's position was not that of the Archdiocese. Had the church gotten actively involved, it may have had some impact on the matter. Over half of Louisiana's legislators are Catholic. The only church to take a stand on the issue was the Methodist Church. That group supported the proposed law.

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<sup>17</sup> Steimel interview, June, 1977.

<sup>18</sup> Ibid.

## Characteristics and the Right-to-Work Roll-Call Votes

Two possible cleavages may be expected to be found in the analysis of the constituency characteristics of legislators voting for and against right-to-work. First, legislators from districts which exhibited characteristics generally associated with an urban-industrial economy would be expected to oppose right-to-work; whereas legislators from rural-agricultural districts would probably tend to favor a right-to-work law. This difference should be apparent not only from various indicators of economic activity but also from regional differences in the legislative voting. The second possible cleavage to emerge from the data analysis is that legislators from the more affluent districts could be expected to support a bill designed to weaken the power of unions in labor-management relations more than legislators from less affluent districts. Affluence might be expected to be accompanied by a desire for the maintenance of the status quo and labor unions could be perceived as a threat to that status quo. Therefore, a right-to-work law could be viewed as being in the best interests of the affluent.

The legislative vote on right-to-work varied sharply along regional lines in the state. Thirty-two of the 43 legislators from North Louisiana (74 percent) voted for the bill and 31 of 42 from South Louisiana (74 percent) voted for it. However, only 14 of 36

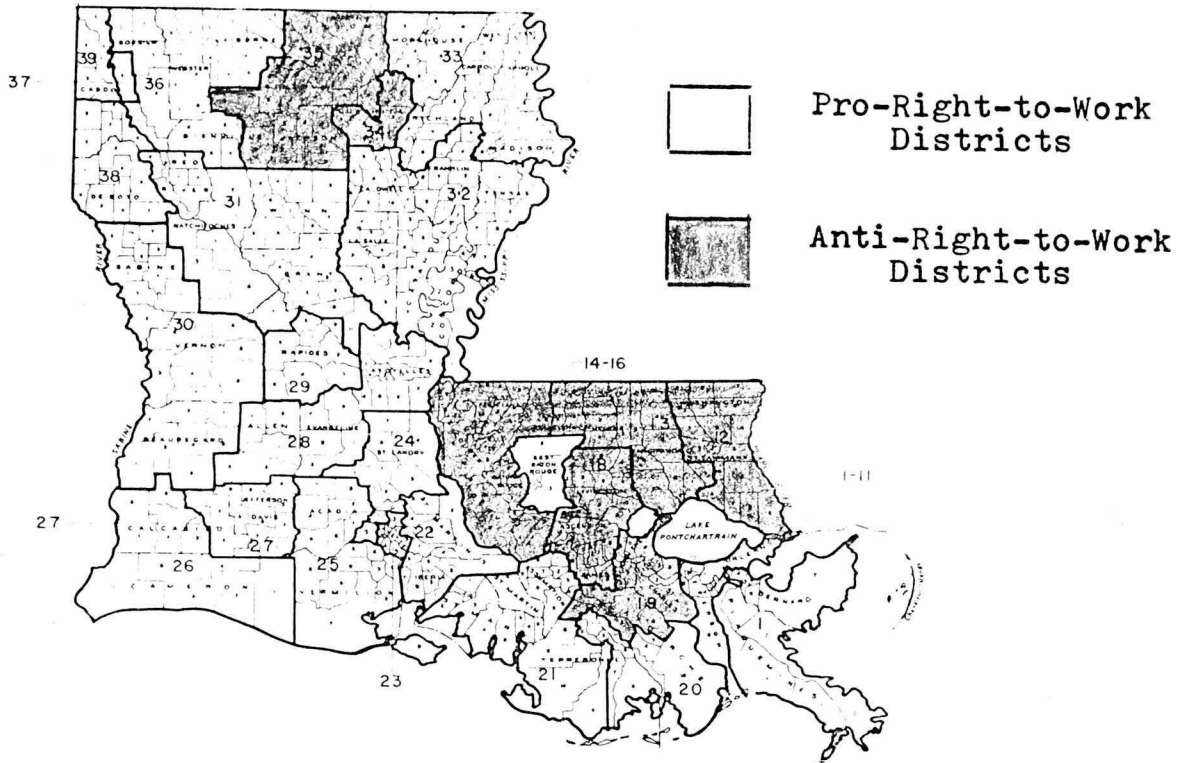


Figure IV. Senatorial Districts and the Right-to-Work Vote

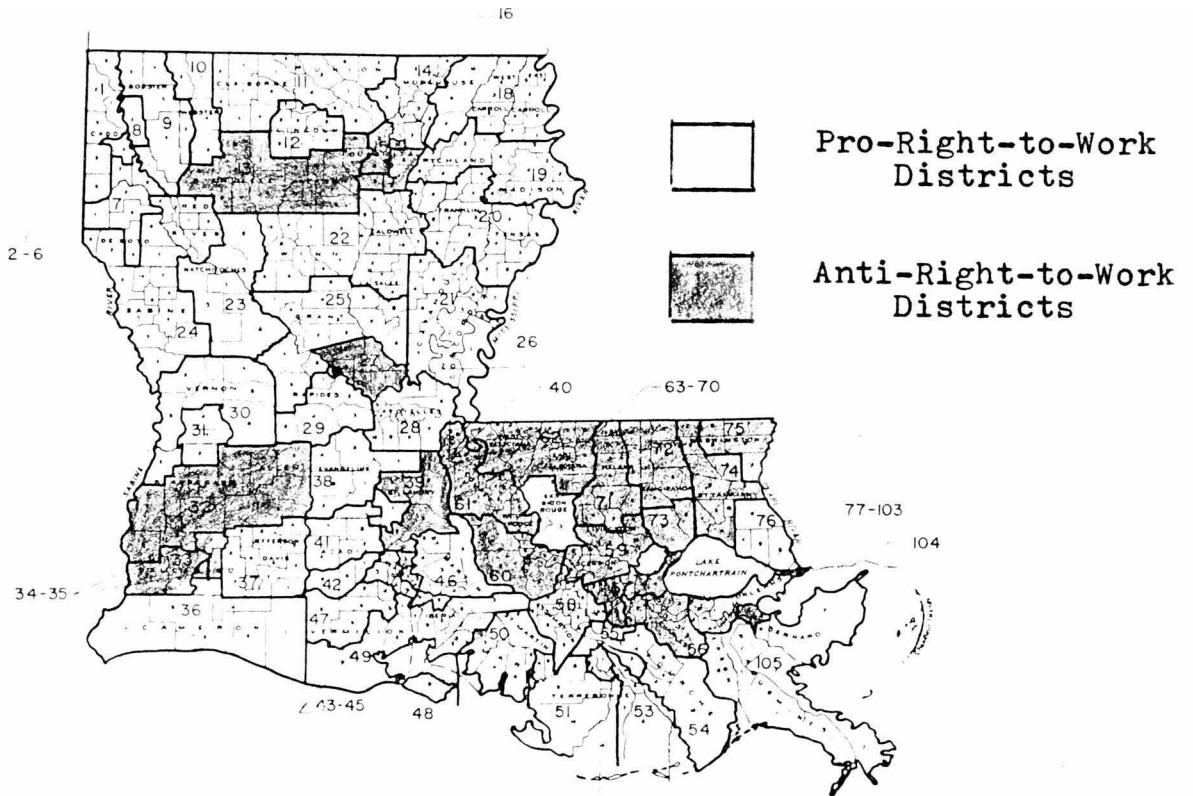


Figure V. House Districts and the Right-to-Work Vote

legislators from the New Orleans area favored the proposal (39 percent), and only seven of the 23 legislators from the Florida parishes (30 percent) voted for the bill.

As shown in Figures IV and V above, opposition to right-to-work was very limited outside the Florida parishes and New Orleans. In the Senate, only two legislators outside these areas voted against the proposal: both were from north-central Louisiana. In the House there was slightly more scattered opposition to the bill with the Lake Charles area contributing several votes in opposition to the measure.

Although no significant differences were found in the mean size of the urban population between the districts of those legislators voting for HB 637 and those voting against the bill in the entire legislature -- in the House alone a significant difference was apparent. House members who voted against right-to-work tended to be from significantly more urban districts than those legislators who supported the measure. As shown below, these differences were significant at the .05 level.<sup>19</sup>

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<sup>19</sup> Constituency data from the unpublished data file of Patrick O'Connor, Louisiana State University. A "t" score of 1.96 is significant at the .05 level for the entire legislature using two-tailed significance tests. The figure for the House alone is 1.99. For a full explanation of this difference of means test see Hubert M. Blalock, Social Statistics, New York, McGraw-Hill, 1972, pp. 220-228.



Right-to-Work Vote (House only)	Mean Constituency Population: <u>Urban</u>	
For (N = 59).....	20,729	t = 2.21
Against (N = 46).....	25,437	

Sharp differences were also found in the occupational characteristics of the constituencies of the two groups. The constituencies of legislators who voted for right-to-work tend to be more agriculturally-oriented than the constituencies of their opponents. This difference was found in both the legislature as a whole and the House alone.

Right-to-Work Vote (House and Senate)	Mean Constituency Population: <u>Farmers</u>	
For (N = 84).....	292	t = 3.10
Against (N = 60).....	120	

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Farmers</u>	
For (N = 59).....	203	t = 2.82
Against (N = 46).....	85	

Differences were also apparent in the number of individuals employed in managerial positions. In both the entire legislature and the House alone the districts of those individuals who voted for right-to-work tended to have significantly more constituents employed in managerial positions than those who opposed

right-to-work.

Other differences in the occupational characteristics of the two constituency groups were found only among House members. It appears from the data that there is a tendency for representatives who voted against right-to-work to have larger blue-collar constituencies than those who voted for the bill.

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Service Workers</u>	
For (N = 59).....	1,490	t = 3.75
Against (N = 46) .....	1,940	

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Construction Workers</u>	
For (N = 59).....	855	t = 2.05
Against N = 46).....	992	

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Manufacturing Workers</u>	
For (N = 59).....	1,609	t = 2.05
Against (N = 46) .....	1,924	

To the extent that affluence can be measured by such indicators as the degree of unemployment in an area, the educational status of the community, and number of individuals in the upper income brackets, there are a few indications that the socio-economic

level of a constituency did have a bearing on legislators' right-to-work votes. Differences between the education levels of the two constituency groups were minor in the number of individuals with a high school education or less, but became more prominent as education level increased beyond high school.

Right-to-Work Vote (House only)	Mean Constituency Population: <u>College Educated</u>	
For (N = 59).....	2,540	
Against (N = 46).....	1,867	t = 2.04

Differences in the income levels of the two groups followed a similar pattern. Both groups had about the same number of individuals earning less than three-thousand dollars per year, but at each level from the "\$3,000-\$3,999" bracket to the "\$10,000-\$11,999" bracket, the mean constituency population of those legislators who voted for right-to-work exceeded that of the legislators who voted for the bill. In the four income brackets above \$12,000, however, the mean size of the constituencies of supporters of right-to-work exceeded those of opponents in every case, especially above \$15,000 per year.

One of the primary selling points of right-to-work in Louisiana was the contention that such a law would create more jobs. This being the case, it would be logical to assume that the

legislators who voted against the bill were the ones least concerned about the creation of new jobs -- that their districts did not suffer from heavy unemployment. Such was not the case. Among House members, the districts of those Representatives voting against right-to-work had significantly more unemployment than the districts of those Representatives who favored the bill.

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Unemployed</u>	
For (N = 59).....	569	
Against (N = 46).....	694	t = 3.28

Finally, a brief comparison of the two groups of legislators voting for and against HB 637 showed that fewer differences were present between the characteristics of the legislators themselves voting on either side of the issue than between their constituencies. Almost no difference was apparent in the mean ages of the two groups. The pro-right-to-workers had a mean age of 44.8 years and their opponents mean age was 44.1.

The same situation was found with differences in the mean tenure of the two groups. A view that right-to-work was passed by newly-elected legislators appears to have no validity. Of the 49 legislators serving their first terms, 29 or 59.2 percent voted for HB 637 and 20 or 40.8 percent voted against the bill. These

percentages are almost identical to the proportions voting each way in the entire legislature.

As for education, there do appear to be several interesting, albeit minor, patterns to the right-to-work voting. Opponents of the bill did well among those legislators who got no further than high school, carrying ten of eighteen such legislators. Among those legislators with some college or a college degree, however, 32 of 52 voted for right-to-work. Of the 19 legislators with some graduate work or a graduate degree, ten voted against the proposal. Finally, of the fifty legislators with law degrees, 34 or 68 percent voted for right-to-work.

Occupational differences did not appear significant in the voting on HB 637. Educators and attorneys supported the bill more heavily than other groups, but the differences were fairly minor. Blue-collar workers did, however, unanimously oppose the measure. Both of them voted against it.

The voting of Catholic legislators on right-to-work was no different than Protestants. 58.7 percent of the Catholics and 58.9 percent of the Protestants voted for the proposed law. There was, however, some variation in support of the bill among the Protestant denominations. Baptists were proportionately slightly more opposed to the law and Episcopalians slightly more in favor than the legislature as a whole. The eight Presbyterian legislators

unanimously supported right-to-work. Only one denomination had a majority of its adherents in the legislature vote against the bill -- ironically, the same denomination which was alone in the state in openly favoring the law -- Methodists. Eight of the 14 Methodist legislators voted against the law.

Republicans and blacks showed impressive unity on the right-to-work issue, though on opposite sides. All five Republicans in the legislature voted for HB 637: all nine blacks voted against right-to-work.

#### Conclusion

Legislators who supported the position of organized labor on right-to-work in Louisiana tended to be from the more urban-industrial and the less affluent districts. The geographic dispersion of the legislative vote indicated that few legislators outside New Orleans and the Florida parishes were willing to vote against the right-to-work bill. These two areas are thought to be the most heavily unionized in the state, with the possible exception of the Lake Charles area whose House delegation also opposed right-to-work.

It would be easy to attribute the passage of a right-to-work law in Louisiana solely to the influence in the legislature of a powerful business lobby -- the LABI. Though no doubt that

organization does deserve much of the credit for the enactment of HB 637, it seems that probably the major role it played in passing right-to-work was as the "activator" of public opinion and as the articulator of that opinion to the legislators. In July of 1977, only a year after right-to-work was passed, an increase in corporate income taxes proposed by the Edwards' administration, supported by organized labor, and vigorously opposed by the LABI, sailed through both houses of the legislature in only a few weeks. This indicates that perhaps the lobbying clout of business interests in the state legislature might have been insufficient to pass a right-to-work bill in Louisiana without the overwhelming public support which was generated by pro-right-to-work forces.

## Chapter IV

### Right-to-Work in the Perspective of Southern Politics

All eleven states of the old Confederacy now have right-to-work laws, yet only nine states outside the South have such laws. Is this affinity for restrictive union legislation a result of the economically backward nature of the region or does there for some reason exist some peculiarly Southern antipathy to the agency or union shop? For the last hundred years there has existed one central issue in the South -- race. How has this issue affected the right-to-work issue and what role have blacks played in this labor versus business battle?

### The South and Organized Labor

John T. Dunlop has argued that "the system of values, the ethos, and the beliefs of the community" have an important influence on the emergence and growth of labor organizations. "It is difficult," Dunlop continues:

for a union to organize a sector in which men believed that individual advancement was to be achieved solely by work...where



economic destiny depended solely upon one's ability to work and save.<sup>1</sup>

The southern labor movement almost certainly suffers from this handicap. There exists a strong anti-union attitude in the South among not only employers but also in the community and among the workers themselves. This attitude has been attributed to the strong individualistic mentality prevailing in the region.<sup>2</sup>

The fierce individualism of the southerner has been documented in several studies, none more prominent than W. J. Cash's The Mind of the South. Cash made note of this individualism as a primary factor in the antipathetic attitudes of southerners toward unions, but Cash added another element. This anti-union attitude, according to Cash, "Indubitably had in it a glowering suspicion that maybe, even probably, unionism was Com-MUNE-ist, and so a menace to their Southern heritage."<sup>3</sup>

Cash failed to make the obvious connection between the two elements. Southerners were individualistic, and what could be more diametrically opposed to individualism than the hated

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<sup>1</sup> John T. Dunlop, "The Development of Labor Organizations: A Theoretical Framework," Richard A. Lester and Joseph Shister (eds.), Insights into Labor Issues, New York, MacMillan, 1948, p. 45

<sup>2</sup> See, for example, F. Ray Marshall, Labor in the South, Cartridge, Harvard University Press, 1967.

<sup>3</sup> W. J. Cash, The Mind of the South, New York, Knopf, 1941, p. 297.

communism. These two factors were not different sources of dislike or fear of unionism, as Cash suggests, but rather the same source expressed in different terms.

If there was any group the white Southerner disliked or feared as much as the Negro it was almost certainly the Communist. The idea that the two, Communists (as personified by the labor union) and blacks, could be in league against him was cause enough for the Southerner to clean his gun. The fact that this "league of evil" had no basis in reality mattered not at all to an imagination fertile enough to associate the very conservative American Federation of Labor as shaped by such individuals as Samuel Gompers, William Green, and George Meany to a Communist conspiracy.

The first serious labor unrest in the South occurred in several widely scattered textile mills of South Carolina, North Carolina, and Tennessee in 1929. The strikes in these mills were spontaneous, unorganized, and had no connection with any outside union. They were also dismal failures. With thousands of laborers -- sharecroppers and small tenant farmers -- eager to acquire work in the mills the owners had a surplus of strike-breakers. Perhaps the only thing the strikers did succeed in doing was to frighten the Southern planters and small farmers who hired laborers only in the cotton-picking season. The possibility

that these strikes might eventually reach out into the countryside and "infect not only the tenants and croppers, all white farm labor, but perhaps the very Negroes," appalled the Southern Bourbon.<sup>4</sup>

The strikers were viewed by the owners and even the community as being disloyal to the mill. After all, the mills were their owners' to do with as they pleased, the Southerner reasoned.

The master of the mill had the right to set wages and hours... and if the workmen didn't like them -- this was a free country -- it was his right to quit.<sup>5</sup>

Additionally, according to Cash, there existed in the South the assumption that the maintenance of cheap labor was essential to progress. The goal of out-stripping "Yandeedom" economically was shared by all white Southerners. By making its labor available at bargain rates the South could attract northern industries to the region. What it lacked in quality labor it would makeup for in costs; or so the reasoning went.

At the risk of placing undue importance on it, the role of the South's evangelical-fundamentalist religion seems relevant to its

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<sup>4</sup> Ibid., p. 347.

<sup>5</sup> Ibid., p. 349.

attitudes toward collective bargaining. A publication of the Billy Graham Evangelistic Association emphasizes individual merit as the only proper means of success.

For all the contemporary stress upon individuality and individualism, current materialism nevertheless tends to be anti-individualistic in a particularly invidious sense, in that it affords a wider variety of ways to evade moral accountability.<sup>6</sup>

The publication went on to condemn the welfare state for discouraging individual initiative and undermining individual responsibility. This demand for individual accountability is, of course, contrary to the collectivism of the labor union.

It is very difficult to measure the importance of these religious beliefs in the battle over right-to-work. Support for the Louisiana law was as great or greater in Catholic South Louisiana as in fundamentalist North Louisiana. Of the two churches which took public positions on the issue, however, the fundamentalistic Methodist Church in Louisiana supported right-to-work and the Catholic Church in Arkansas opposed right-to-work. On the other hand, among the Louisiana legislators, Baptists and Methodists

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<sup>6</sup> Harold B. Kuhn, "Obstacles to Evangelism in the World," Victor B. Ficker and Herbert Graves (eds.), The Revolution in Religion, Columbus, Merrill, 1973, p. 122.

tended to oppose right-to-work more than members of other denominations. As intuitively attractive as it is to ascribe significant importance to the fundamentalist religion of Southerners in their fondness of right-to-work legislation, there appears to be no basis for concluding that religion played a major role in the right-to-work controversy in the two states studied.

From 1960 till 1967, the National Labor Relations Board conducted 6,252 representation elections in nine Southern states. The results of these elections indicate the widespread dislike of unions even among individuals who would presumably benefit from their presence. The unions won 3,378 or 54 percent of the elections. Only if they had won all of the elections, however, would they have kept pace with the increase in the number of manufacturing jobs in the region over that time.<sup>7</sup>

Of the nine states, the unions compiled their best won-lost record in the least industrialized state of the group -- Mississippi. The unions won 62 percent of the Mississippi elections, 57 percent in Louisiana, 56 percent in Alabama and Georgia, 55 percent in Arkansas and Tennessee, and 53 percent in Florida. In the two states with the largest textile industries, North Carolina and

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<sup>7</sup> New York Times, March 12, 1967, p. 13.

South Carolina, the unions failed even to win a majority of the elections.<sup>8</sup> The difficulty the unions have had even to sell themselves to Southern workers offers some indication of their opprobrious position in the Southern mind.

William H. Nicholls, former president of the Southern Economics Association, suggests that the progress sought in the South would not be achieved by massive industrialization which in turn would bring about social change; but rather vice versa.

Regional progress will not come about so long as the South remains bound by agrarian values, the rigidity of the social structure, the weakness of social responsibility, and the conformity of thought and behavior.<sup>9</sup>

It may be interpreted from this that Mr. Nicholls might view the role of the labor movement in the South to be that of a force for social change. With this in mind, it may be more important for unions in the region to work to bring about this social change which, in turn, would provide the impetus for economic change; that is, collective bargaining and union security agreements.

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<sup>8</sup> Ibid. In what is surprisingly sloppy journalism for this publication, the exact figures for North Carolina and South Carolina were not given.

<sup>9</sup> Edwin M. Yoder, "W. J. Cash After A Quarter Century," Willie Morris (ed.), The South Today, New York, Harper and Row, 1965, p. 96.

## Right-to-Work and Blacks

Only passing reference has been made thus far of the role of blacks in the right-to-work controversy. Blacks are a sizable minority in both Arkansas and Louisiana, and can generally be found on the opposite side of any given issue from their white counterparts. The right-to-work issue, to some degree at least, is no exception.

The relationship between blacks and organized labor in this country has been of the classic "love-hate" variety. In the case of the blacks, the "hate" part originates from the traditional "Jim Crow" practices of the unions. The unions, for their part, have always feared the strike-breaking potential of black laborers. Despite these problems, the two groups (or more specifically the leaders of the two groups) have begun to recognize the many objectives they have in common.

In a letter to the editor of the New York Times dated July 26, 1899, the writer, Reverend Joseph Boddy, endeavored to make a case for more widespread employment of blacks in industry. Whether or not his arguments impressed the industrial barons of the time, they certainly must have appalled leaders of organized labor.

The special reasons why...every avenue of industry should be thrown open to Negro laborers on the same terms as other American citizens are cogent: Negro laborers are loyal to their employers.... A recent public example of the colored man's loyalty to his employer was seen in Illinois, where, at Brush's coal mine, (the company's) white miners went on a strike but the Negroes remained loyal.

Organized labor as it exists today is a menace to industry.<sup>10</sup>

Such were the reasons for the unions' dislike of blacks. Blacks have not had to look far to find ample grounds to warrant their distrust of the unions.

The American Federation of Labor has almost always paid lip-service to the need for the elimination of racial discrimination. Unfortunately, the A.F. of L. never really did anything to alleviate the discriminatory practices of even its own member organizations.<sup>11</sup>

The argument is even raised that unions have damaged the position of blacks, at least in Southern industries. In an examination of the racial policies of five Southern industries, lumber, textiles, paper, tobacco, and coal mining, Northrup and Rowan concluded

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<sup>10</sup> New York Times, July 26, 1899.

<sup>11</sup> Gunnar Myrdal, An American Dilemma, New York, Harper and Row, 1944, p. 402.



that "the net impact of unions on the employment opportunities of Negroes has been distinctly negative."<sup>12</sup> The writers go on to claim that the integration of the textile industry in the South was accomplished with so little trouble because of the absence of unions.

In 1959, the NAACP made public a memorandum which that organization had sent to AFL-CIO head George Meany. The memorandum called for aggressive enforcement of the federation's pledge to abolish discrimination in labor, and cited several cases of "lily white exclusion policies" among member unions. Previously, the association had been reluctant to publicly criticize the AFL-CIO because of the union's strong stand against all forms of discrimination, both within and outside industry.<sup>13</sup>

In a letter to Meany a few weeks earlier, Association Executive Secretary Roy Wilkins recalled that his organization had cooperated with the federation in defeating right-to-work proposals in Ohio, California, and several other states. The NAACP's assistance was said to have effectively nullified arguments

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<sup>12</sup> Herbert R. Northrup and Richard L. Rowan, Negro Employment in Southern Industry, Philadelphia, University of Pennsylvania Press, 1970, p. 25.

<sup>13</sup> New York Times, January 5, 1959, p. 9.

by the sponsors of the proposals that the laws would combat "Jim Crow" practices in unions.<sup>14</sup> Unfortunately for Wilkins and his Association, organized labor had little trouble in defeating the right-to-work proposals in those states and was hence perhaps less grateful to the Association for its aid than it might otherwise have been.

As organized labor becomes more and more an integral part of American society it is conceivable that it will be increasingly aware of and susceptible to public opinion. This being the case, charges by labor's opponents that it is itself an important contributor to racial discrimination would be particularly painful. Gunnar Myrdal writes:

To exclude one group from full participation in the union movement is to put a weapon into the hands of the enemies of trade unionism which they will know how to use. The American union movement, if it wants to become strong, must be all inclusive.<sup>15</sup>

Myrdal concludes that because of this and the fact that the government will be increasingly scrutinizing the racial policies of labor

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<sup>14</sup> Ibid.,

<sup>15</sup> Myrdal, pp. 401-402.

unions, "the growth of unions will in the long run favor the Negro."<sup>16</sup>

### Blacks and Right-to-Work in Arkansas

As mentioned earlier, the Arkansas chapter of the NAACP was an ally of labor in its fight for Amendment 59. The analysis of the Arkansas data, however, suggests that the Association was unsuccessful in gaining the support of blacks in the state for the amendment.

The Pearsonian correlation coefficient between the relative size of a county's black population and the relative support it gave Amendment 59 was only .056. In fact, according to the data, blacks supported 59 in roughly the same numbers as did whites. In this particular case, however, the writer is hesitant to accept the conclusion which the data mandates and an alternative explanation is offered.

If, as suggested above, a major source of opposition to labor unions is to be found among Southern whites who fear the influence of the unions on the local black population, then it would be only logical for the greatest opposition to a pro-union proposal to be among whites living in heavily black counties. By this reasoning, as the proportion of a county's population which is black

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<sup>16</sup> Ibid.

increases, there would occur a corresponding increase in opposition to any public policy which may tend to increase the power, influence or unity of the black community or any traditional ally of blacks among whites. Therefore, if blacks did tend to support Amendment 59 more heavily than whites, it would be impossible to detect any correlation between the two variables with the data analysis techniques employed in this study.

In explaining possible reasons for the greater support given Amendment 59 in several counties than was recorded in opposition to Amendment 35 in 1944, the possibility that in Eastern Arkansas this change could be attributed to increases in black electoral participation was mentioned. If this were true it would strongly support the proposition that blacks oppose right-to-work more than whites. Doubt can be cast on this theory of increased black participation for two reasons, however.

First, as was shown in Figure III, most of the heavily black Eastern Arkansas counties showed either no change in the votes or an increase in opposition to right-to-work while the rest of the state moved in the other direction. The problem is that not all of the heavily black counties showed a similar change. Chicot and Desha Counties in the Southeast, for example, are both over 50 percent black and yet they cast proportionately fewer votes for 59 than against Amendment 35.

The second reason to question the increased black participation theory is because of the geographic juxtaposition of the counties experiencing this difference between 35 and 59 to the city of Memphis. That is, rather than the difference being accounted for by blacks, there may have grown-up a sizable blue-collar force in this area over the past quarter century which works in and around Memphis. This possibility is enhanced with the consideration that 22 percent of the work force of Crittenden County and 17 percent of the work force in St. Francis County, both of which recorded more votes for 59 than against 35, is employed outside their county of residence.

#### Blacks and Right-to-Work in Louisiana

There seems to be more evidence of black support for the labor position on right-to-work in Louisiana than was apparent in Arkansas. As mentioned above, all nine black legislators voted against the proposed right-to-work bill.

The constituency characteristics of the legislative districts also showed sharp variation in the size of the black population along right-to-work voting lines. Legislators who voted against HB 637 tended to have significantly larger black constituencies than legislators who voted for the proposal. These differences were apparent among both House members alone and among all legislators.

Right-to-Work Vote (House and Senate)	Mean Constituency Population: <u>Blacks</u>	
For (N = 84).....	13,145	
		t = 2.29
Against (N = 60).....	17,649	

Right-to-Work Vote (House only)	Mean Constituency Population: <u>Blacks</u>	
For (N = 59).....	8,367	
		t = 3.38
Against (N = 46).....	12,752	

Although the surveys released by the LABI indicated that black support for right-to-work was only slightly less than the level of support the proposal enjoyed among whites, it seems that legislators from districts with relatively large black populations were unimpressed by this information. Perhaps these legislators from heavily black districts realized that Steimel and his organization posed no threat to their future re-election.

In explaining his failure to win the support of blacks in passing right-to-work, LABI head Edward Steimel referred to a traditional alignment of the two groups.

The blacks had been aligned politically with labor historically and they didn't wean away. The unions have been excluding blacks rather methodically...blacks would benefit tremendously from the passage of the bill,

(but) we just couldn't get them away from their traditional alignment with unions.<sup>17</sup>

Considering the facts that the LABI's survey indicated strong black support for right-to-work in Louisiana, that no relationship was found in the Arkansas data between the size of the black population and the vote for Amendment 59, that all nine black legislators and those legislators with heavily black constituencies voted against the right-to-work bill, and that the NAACP and black leaders in Arkansas supported Amendment 59, there appears to have existed differences between the elite response to right-to-work in the black community and the response of the broader community. That is, blacks in general were not concerned about any alliance with labor unions and failed to see any reason to support the union position on the right-to-work issue. Black elites, on the other hand, were cognizant of a need to preserve strong ties with organized labor and recognized that any legislation which would weaken the position of their traditional ally would, ipso facto, weaken their position.

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<sup>17</sup> Steimel interview, June, 1977.

## Chapter V

### Right-to-Work as Public Policy

The struggles over right-to-work in Arkansas and Louisiana provide two very different formats for interest group conflict over public policy. In Arkansas, the role of the political structure was minimal. The policy outcome was decided through direct participation by the public. Hence, rather than the confrontation between the two sides taking place within the formal governmental structures, the decision was determined by the body politic. In Louisiana, the formal political structure was the center of focus. Both sides were obviously interested in public opinion, but only to the extent that it was a tool with which to achieve the satisfaction of their demands from the political structure. In Arkansas the right-to-work battle was fought primarily in the media; in Louisiana it was fought in the media, in the legislature, and in the Governor's Mansion.

#### Arkansas: Participation = Policy

Right-to-work in Arkansas, for better or for worse, is literally "public policy." A majority of the state's voters, after carefully weighing the pros and cons of the issue, concluded that such a law was in their interests or in the interests of the community.



Two of the state's major interest groups, business and labor, went public as they rarely do in efforts to win the hearts and minds of the state's voters with appeals both rational and emotional in nature. With both groups recognizing that their public images were somewhat tainted and each wishing to emphasize the public consequences of the law, the two groups established "front" committees.<sup>1</sup> The purpose of these committees, perhaps, was to lessen the public awareness of the fact that the battle may have really amounted to simply two groups with vested interests each seeking to gain an advantage over the other through public policy.

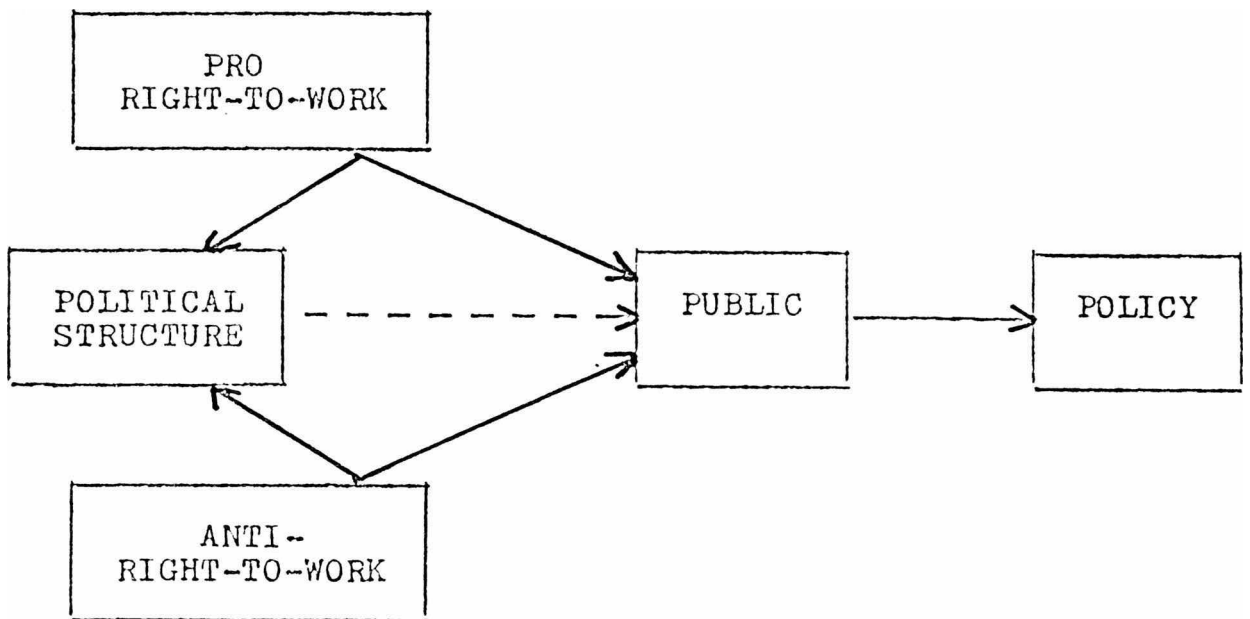
Because of its existing marketing facilities, business would probably start with a substantial advantage in a propaganda war with labor. Labor unions, at least in the South, have tended to neglect public relations efforts in the past. For business, it is simply a matter of switching from selling soap to selling right-to-work. For labor, media campaigns are a new experience. It is therefore not surprising that its efforts are frequently awkward and ineffective.

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<sup>1</sup> See V. O. Key, Public Opinion and American Democracy, for a discussion of the degree of public opprobrium these two groups enjoy. Key concludes that more people have negative attitudes toward business but that the negative attitudes toward labor unions were more intense.

A diagrammatic representation of the policy making process in the case of right-to-work in Arkansas is provided in Figure VI. below. The broken lines signify indirect influence and the unbroken lines signify direct influence.

Figure VI. Right-to-Work' policy process in Arkansas



The conflicting policy demands of the two groups were made both directly upon the public and indirectly upon the public through the political structure. Because the effort to alter public policy was done through initiative, the influence of the formal political structure was kept to a minimum. Other than providing the mechanism for the popular determination of the issue, the political system was only tangentially involved. This involvement included

such items as the AIDC report and the participation of several of the state's political figures.

With the body politic as the formulator of public policy, questions arise as to the ability of the mass public to recognize the policy alternatives and fulfill their "rational best interests" with their ballots. What is called for here is perhaps not so much a sophisticated understanding of the right-to-work issue in order to adopt a position pro or con, but rather the ability to recognize the amendment and to understand which way to vote on it to satisfy one's policy preference. The voter must both recognize what Amendment 59 is and understand that a vote for the amendment is a vote against right-to-work.

Wolfinger and Greenstein, in their study of referendum voting on the repeal of a fair housing law in California, concluded that the electorate was generally able to express their policy preferences with their ballots despite the confusing nature of the referendum. The situation with Proposition 14 was similar to that of Amendment 59 in that a vote for the proposition was a vote against fair housing. Initially there was said to have existed considerable confusion about the proposition's meaning. By election day, however, the confusion had apparently been dispelled by the thorough campaigns presented by each side. "The vast

majority of the electorate cast votes that were consistent with their attitudes toward fair housing legislation," the authors concluded.<sup>2</sup>

The more difficult task of evaluating the alternatives can be, and usually is, by-passed by adopting the position of one or more reference groups on the issue. Rather than laboriously analyzing the question, in many cases the public would simply find out who is for it and who is against it and then vote with the group perceived as most nearly reflecting their interests. The American Farm Bureau Federation opposes the measure therefore Joe Farmer would vote against it. The Catholic Church is for the proposal so the local parishioners vote for it. Of course things can go awry at times. Henry Yokel, discovering that the "pinko-Gazette" was against the proposal, may have voted for it on that basis alone.

The extensive coverage of the right-to-work issue in the media and the campaigns by the opposing sides served three important purposes. First, and possibly least importantly, the small "attentive" electorate was provided with an opportunity to gain a thorough familiarity with the issue so that they could make a rational voting decision. Secondly, as was the case with Proposition

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<sup>2</sup> Raymond E. Wolfinger and Fred I. Greenstein, "The Repeal of Fair Housing in California: An Analysis of Referendum Voting," American Political Science Review, V. 62 No. 3 (September, 1968), pp. 757-758.

14 in California, there was almost certainly established a public understanding of how to vote in order to properly reflect one's policy preference. Finally, the media campaigns served the purpose of providing for the identification of reference group positions.

#### Louisiana: Policy via Power Politics

The battle over right-to-work in Louisiana was a classic example of power politics: two competing interest groups engaged in a struggle to achieve a public policy favorable to their contrasting positions. The parliamentary gymnastics of the two groups and their efforts at persuasion ranged from subtle to strong-armed tactics.

It is difficult to judge the impact of lobbying activity in a legislature other than by reviewing those aspects of it that are made public, as few and as superficial as they may be, or by evaluating the end-result, the roll-call votes. Generally, it may be said that lobbying activities of interest groups vary in effectiveness in inverse proportion to the degree of constituent interest in any given issue.<sup>3</sup>

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<sup>3</sup> Thomas R. Dye, Politics in States and Communities, Englewood Cliffs, N. J., Prentice-Hall, 1973, p. 157.

Here is where the difficult question of "constituent interest" rears its head. Constituent interest varies in two entirely different ways, in degree and in direction. The more popular of the two, and the easier to measure, is direction. This information is the standard fare of public opinion polls: "What do the people think?" These data the Louisiana legislators had. The people, at least according to the LABI's polls, thought a right-to-work law was a good idea.

It was the matter of degree of these opinions which may have given some legislators sleepless nights. How much did the public really care about the issue? This was a question the polls did not answer. Some legislators may be inclined more to satisfy the demands of an intensely interested minority than a mildly interested majority when the two are in conflict. Disappointing minority groups, however small, which are intensely interested in a policy decision is not conducive to re-election. Groups which are only mildly interested in a policy outcome would probably not retaliate at the polls for a failure to have their policy preferences

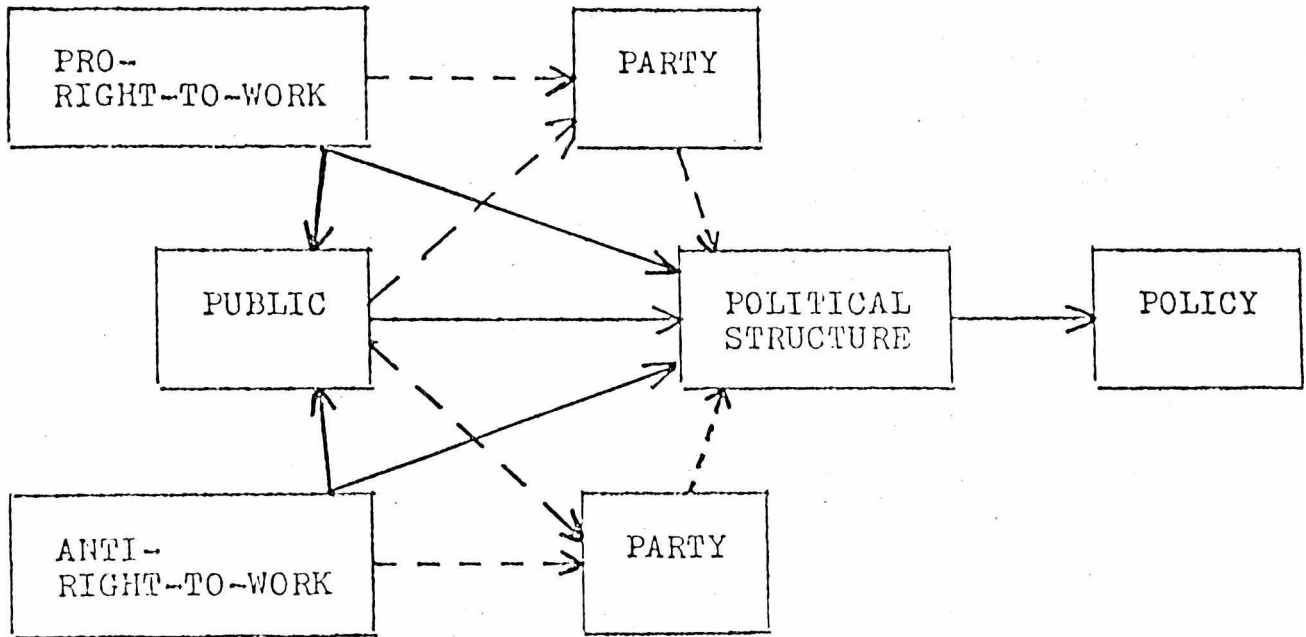
satisfied on one issue.<sup>4</sup> Though there is no evidence to substantiate it, probably the more intensely interested party in the Louisiana right-to-work controversy was organized labor.

A diagrammatic representation of the policy process on right-to-work in Louisiana may look something like Figure VII on the following page. Political parties, which were absent as a factor in the policy process, are represented in the diagram because of the role which they did not play. Parties would normally act as linkage mechanisms and ease the strain upon the political structure by mediating the demands of the various interests through a process of compromise and accommodation. At the very least parties might tend to structure the demands and perhaps provide a little order to the policy process. In the absence of parties, demands are made directly upon the political structure or upon the individual legislators. The "umbrella", in the form of a well-organized political party, which might tend to protect the structure from the direct demands of the public and the interest groups was absent in Louisiana.

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<sup>4</sup> This ability to satisfy the demands of intensely interested minorities is an important advantage of the legislative over the plebiscitary decision-making process as existed in Arkansas on Amendment 59. In referendum voting the only reflection of differing degrees of interest in an issue is variation in turn-out rates. This could be important in a special election with only the one issue on the ballot, but in a general election, as was the case with 59, the differences in turnout rate would probably be minor.

Figure VII. Right-to-work policy process in Louisiana



Harmon Zeigler's analysis of variation in the strength of interest groups among the American states listed three major determinants of interest group power.<sup>5</sup> First, those states which are poor, rural, and agricultural tended to have stronger interest groups than wealthy, urban, industrial states. Secondly, interest groups tend to be weaker in those states in which there is a low degree of cohesiveness of legislative parties or voting blocs. The greater the unity of legislative voting, the less likely would be an interest group to convince legislators to adopt positions independent

<sup>5</sup> Harmon Zeigler, "Interest Groups in the American States," Herbert Jacob and Kenneth N. Vines (eds.), Politics in the American States, Boston, Little, Brown and Company, 1965, p. 116.



of those groups. Finally, the more competition between political parties in a given state, the weaker are interest groups. Zeigler found all states which were classified as having weak interest groups to be two-party competitive. In a one-party factional system issues may become obscured allowing specific interests a freer hand in influencing policy.<sup>6</sup> V. O. Key determined that states with loose multi-factional political alignments tend to have their politics more heavily influenced by conservative interests. Those states with more cohesive factions pursue more liberal policies on behalf of less affluent interests.<sup>7</sup>

Both Arkansas and Louisiana, on the basis of these criteria, were classified by Zeigler as having strong interest groups. Arkansas particularly exhibits those characteristics associated with powerful interest groups. Louisiana, perhaps, might tend to be less subject to interest group dominance given the existence of a sizable urban center and its accompanying industrial environment; and a traditional, albeit weakening, bi-factional configuration in the state's politics.

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<sup>6</sup> Thomas R. Dye, "A Model for the Analysis of Policy Outcomes," Ira Sharkansky, Policy Analysis in Political Science, Chicago, Markham, 1970, p. 34.

<sup>7</sup> V. O. Key, Southern Politics in State and Nation, New York, Knopf, 1951, pp. 298-305.

## Comparison and Contrast

The fact that little coincidence was found between the environmental factors having some relationship with the demand for right-to-work in the two states can be attributed in part to the dissimilar nature of the two data sets. However, on those environmental characteristics for which data were available for both states little congruence was found in the relative importance of most variables between the two states. Substantiation was found in the data analysis for both states, though Louisiana much more so than Arkansas, of the proposition that the degree of industrial development was an important determinant to the passage of right-to-work legislation. Louisiana also reflected an urban-rural cleavage in the demand for right-to-work -- a difference which was minor in Arkansas. Both the relative size of the black population and the proportion of the population which was affluent varied significantly with the demand for right-to-work in Louisiana but apparently not in Arkansas. A tradition of having supported labor oriented candidates or issues was an important element in determining the demand for right-to-work in Arkansas. No data were available on that particular phenomenon for Louisiana. Finally, regional variation in popular attitudes toward right-to-work was apparently very minor in both states, although the legislative vote in Louisiana did reveal regional cleavages in the demand for right-to-work.

Labor's success in avoiding a right-to-work law in Louisiana until 1976, can be attributed to its strength in major industrial areas and its ability to prevent a referendum or initiative on the issue. Keeping the policy making process in the political structure permitted the consideration of intensity of demands -- a consideration which would probably be favorable to labor. Maintaining the decision making process within the political structure also allowed the formation of alliances among the elites which were more difficult to establish in the electorate as a whole. Blacks, for example, were thoroughly supportive of the labor position on right-to-work within the legislature although similar support among the black population at large was apparently lacking.

In both states the absence of competitive political parties was probably damaging to the labor unions. In states where there does exist some degree of competitiveness it would be highly extraordinary for a party to abandon one of its major constituent groups on an issue of fundamental importance to that group. It is probable that in a competitive party state labor could have demanded, and gotten party officials to crack the whip and get their boys in line.

The importance of public opinion and the socio-political culture which is the foundation of that opinion can not go unrecognized in the two formulations of public policy. The "individualistic ethic"

of the South as well as the race consciousness of many white Southerners may have brought about a relevance of opinion independent of economic considerations.

Anne H. Hopkins' casual analysis of right-to-work legislation recognized the primary importance of environment, specifically the degree of economic development, in determining the passage of right-to-work legislation but also acknowledged the influence of the political system and opinions. Hopkins found that by altering environmental factors changes would occur among the casual interrelationships of the other variables. That is, in an "economically developed" environment, for example, opinions were not as important a direct casual factor as in an "economically developing" environment. Also, the importance of opinions varied with the type of electorate with the attentive and participating electorates showing the strongest casual relationships.

The primary importance of Hopkins' analysis for this project, however, is her conclusion that opinions and system are important casual factors of the enactment of right-to-work legislation in the American states. Her findings contradict much previous research

which indicated that environmental attributes were the only significant determinants of this particular public policy.<sup>8</sup>

Only one policy area -- so-called right-to-work laws -- has been investigated in this study; and only within the confines of two political systems -- Arkansas and Louisiana. The generalizability of this study to other policy areas or other political environments is questionable.

An effort was made to show the effects of differing policy processes in differing political environments on a single issue. Emphasis was placed on the articulation of demands by the interested groups and the response to those demands by the political structure and the body politic.

As is the case with most studies of this nature, more questions were asked than answered. The degree to which opposition to union security agreements is based upon economic reasons, libertarian principles, or simply anti-union attitudes can not be established. The underlying thread which caused three different politico-cultural regions; mountainous northwest Arkansas, the delta, and Catholic South Louisiana -- regions which in the past

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<sup>8</sup> Anne Hopkins, "Right-to-Work Legislation in the States: A Casual Analysis," Samuel Kirkpatrick, Quantitative Analysis of Political Data, Columbus, Merrill, 1974, p. 199.

have tended to agree uniformly upon little else -- to exhibit almost identical degrees of support for right-to-work is unknown.

The role of economic environment as a determinant to the passage of right-to-work laws seems to merit the attention paid it in previous studies. To overlook the political system and public opinion, however, would be to suggest a direct one-to-one relationship between environment and policy. The degree of economic development is, almost certainly, the single most important determinant of the passage of right-to-work laws; but economic development must be analyzed in the context of the existing socio-political environment. Considering the anti-unionism found even among blue-collar workers in the South, it may well be that, as Nicholls suggested, social change must be prerequisite to economic change in the region rather than vice versa.

## Appendix A

The debate over right-to-work has included a wide variety of arguments on each side. Some of the more notable assertions by proponents and opponents include the following.

The objections, legal, economic and social, against the closed shop are so strong, and the idea of the closed shop so antagonistic to the American spirit, that the insistence upon it has been a serious obstacle to union progress.<sup>1</sup>

Employees who choose not to join unions are designated as "free-riders," "chiselers," and "tax dodgers." With total union membership in this country approximating 16 1/2 million, and with over 30 million employees covered by collective bargaining agreements, these unflattering appellations apply to a great number of American workers indeed.<sup>2</sup>

I can tell the Senate without hesitation that there is still much corruption in some labor unions today and, moreover, that compulsory unionism and corruption go hand in hand.<sup>3</sup>

Would it not seem that the states have the obligation to enact right-to-work laws because communist, socialist, and racketeering unions

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<sup>1</sup> Justice Louis Brandeis quoted in Selwin H. Torff, "The Case for Voluntary Union Membership," Iowa Law Review, V. 40 (1954-1955), p. 622.

<sup>2</sup> Torff, p. 623.

<sup>3</sup> Senator John McClellan quoted in 14(b)? - The Key Issue, Washington, D. C., The Free Society Association, 1966, p. 16.

are at variance with good morals...? <sup>4</sup>

The purpose of these laws is to weaken labor unions... the purpose of weakening labor unions is to make it possible to pay lower wages. <sup>5</sup>

With the history and background of labor-management relations in this country in mind, it seems difficult to deny that labor is justified in thinking that some form of union security is important and essential to its status and welfare. <sup>6</sup>

The slogan of "States' Rights" is merely a cloak for anti-unionism. Its users advocate no principle or belief as to the division of powers between the states and the federal government. Were they forthright, their slogan would be not "States' Rights" but "States' rights to be anti-union." <sup>7</sup>

There is, in fact, about as much disagreement on the effects of right-to-work laws as there is on the desirability of the legislation.

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<sup>4</sup> Rev. Edward Keller, The Case For Right-to-Work Laws, Chicago, Heritage Foundation, 1956, p. 68.

<sup>5</sup> John Lindsay quoted in 14(b)? - The Key Issue, p. 22.

<sup>6</sup> Lee Loevinger, "The Case Against 'Anti-union' Security," Iowa Law Review, V. 40 (1954-1955), p. 635.

<sup>7</sup> The Case Against Right-to-Work Laws, CIO, 1955, p. 16.



Except for isolated instances, the (right-to-work) laws have not of themselves attracted new industry...new industry has come generally for other reasons.<sup>8</sup>

A nationwide survey of employers and union leaders, recently made by Fortune, indicates that right-to-work laws have had singularly little effect on labor relations.<sup>9</sup>

Right-to-work laws encourage economic growth by providing an attraction for new industry and expansion of present businesses.<sup>10</sup>

The overwhelming weight of the evidence clearly demonstrates that right-to-work states have far outstripped compulsory union states in economic growth under any standard of measure.<sup>11</sup>

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<sup>8</sup> Christian Science Monitor quoted in 14(b)? - The Key Issue.

<sup>9</sup> Fortune, V. LVI No. 3, (Sept., 1957), pp. 235-236.

<sup>10</sup> W. R. Brown, "State Experience in Defending the Right-to-Work," Proceedings of the Academy of Political Science, V. XXVI (1954-1955), p. 43.

<sup>11</sup> The Stalled Louisiana Economy, Baton Rouge, The Louisiana Association of Business and Industry, 1976, p. 15.

## Appendix B

The state's three regions include the following counties.

Mountain: Benton, Carroll, Boone, Marion, Baxter, Fulton,  
Madison, Washington, Newton, Searcy, Crawford, Franklin,  
Johnson, Sebastian, and Logan.

Border: Scott, Polk, Sevier, Howard, Pike, Montgomery, Garland,  
Saline, Perry, Yell, Pope, Conway, Van Buren, Faulkner,  
Cleburne, Stone, Igard, Independence, Sharp, Randolph,  
Lawrence, Pulaski, Jackson, Green, and Clay.

Delta: Little River, Miller, Lafayette, Columbia, Union, Ouachita,  
Nevada, Hempstead, Clark, Hot Springs, Grant, Dallas,  
Calhoun, Bradley, Ashley, Drew, Chicot, White, Lincoln,  
Jefferson, Lonoke, Arkansas, Phillips, Monroe, Lee,  
Desha, Cleveland, Prairie, Woodruff, St. Francis,  
Crittenden, Poinsett, Cross, Mississippi, and Craighead.

## Appendix C

Amendment 34 reads:

No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of a refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union or persons who refuse to join a labor union, or because of resignation from a labor union, nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

Amendment 59 retained the above, but replaced the final period with a semicolon and added the following:

....provided, however, that the foregoing governmental restrictions shall not apply if all the following free choices have been made: (a) the employees in an existing collective bargaining unit have had an opportunity to participate in a secret ballot election conducted by an Arkansas state agency and the result of such election is a majority vote to remove the foregoing restrictions for that unit, (b) the affected employer has agreed to an otherwise legal contract provision concerning labor union membership as a condition of employment, and (c) all employees have freedom to participate or not participate in labor union meetings and similar activities.

## Appendix D

## County Data Record: Arkansas

<u>Indicator Name</u>	<u>Date</u>	<u>Source</u>
% Urban	1972	Atlas of Arkansas
% Population 65 years and older	1972	County and City Data Bank
Median age	1972	"
% of Manufacturing establishments with 20-99 employees	1967	"
% of Labor force employed in manufacturing	1970	Social and Economic Characteristics of the Population
% of Labor force employed in wholesale and retail trade	1970	"
% of Labor force working outside county of residence	1970	"
% of Labor force employed in professional and managerial positions	1970	"
% of families with income less than \$3,000	1970	"
% of families with income of \$10,000 - \$14,999	1970	"
% of families with income of \$15,000 - \$24,999	1970	"
% of families with income of \$25,000 and over	1970	"
% vote for Nixon, Presidential Election	1968	America Votes
% vote for Wallace, Presidential Election	1968	"
% vote for Nixon, Presidential Election	1972	"
% vote for Pryor, Democratic Primary	1972	"
% vote for Pryor, Democratic Primary	1974	"
% vote for Faubus, Democratic Primary	1974	"
% vote for Purcell, Democratic Primary	1974	"

<u>Indicators Name</u>	<u>Date</u>	<u>Source</u>
% vote for proposed Constitution	1970	The Encyclopedia of Arkansas
% vote for CA to permit private contracting for State printing	1974	"
% vote for CA to allow the legislature to set maximum interest rates	1974	"
% vote for Carter, Presidential Election	1976	Arkansas Gazette
% vote for Right-to-Work Amendment	1946	"
% vote for Right-to-Work Amendment	1944	Southern Primaries and Elections

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