

# USA & the so-called “right-to-work” legislation: Back to the 1920s?

Tuesday 15 January 2013, by [FEELEY Dianne](#) (Date first published: 1 January 2013).

THE MICHIGAN LAME duck legislature was on a tear to pass as many anti-democratic laws as possible before ending its 2012 term. The centerpiece of this ideological thrust was the passage on December 11 of the so-called “right-to-work” legislation that allows workers in union-organized workplaces not to pay a fee for union services they receive under the contract. (For reasons of political opportunism, firefighter and police unions are exempted from the RTW bill.)

Mostly because of term limits, next year’s legislature — although still majority Republican — will be slightly less right wing. If there was to be an attempt to implement a radical right agenda, it had to be accomplished in the period following the November election. They attached an appropriation to the legislation in order to prevent the possibility of a repeal referendum — although clearly that dodge will be challenged in court.

While pro-RTW spokespeople talk about how their legislation gives workers the “freedom” to choose whether to belong to a union or not, under federal Taft-Hartley legislation passed decades ago workers already won that dubious right in union-organized shops. However, workers are still represented by the union contract and must pay a fee for the representation.

What the legislation outlaws, then, is the right of unionized workers who fight for better working conditions and benefits to expect those who are not members of the union to contribute their share of the expenses enforcing the contract. The reality beneath the legislation is to break up any notion of solidarity between workers in the workplace. Instead, they are to look to their bosses.

The reality of Michigan, famous for its militant sitdown strikers from the 1930s — not only in auto and steel, but at candy stores, Woolworths and hotels — joining the other 23 “right-to-work” states represents a victory against the organized working class. It seemed to come as a terrific shock to labor leaders who, in the words of United Auto Workers (UAW) president Bob King, were “blindsided” by it.

As late as 1990 union membership in the state stood at 27%; today it is 17.5%. Hollowed out by manufacturing’s restructuring and undermined by concessions, Michigan’s unions became a target the radical right felt it could take on — but only if it could convince the neoliberal but pragmatic Republican governor that the time was ripe. Governor Rick Snyder had previously remarked that passage of such a law would be divisive, and “isn’t on the agenda.”

Republican leaders — backed by the Mackinac Center, Business Roundtable (chaired by former governor John Engler), Americans for Prosperity (the Koch brothers) and the Chamber of Commerce — convened a meeting with governor Rick Snyder on December 4 and demanded that he agree to sign a “right-to-work”-for-less bill once they pushed it through the House and Senate. What made Snyder do an about face?

Some believe the November defeat of Proposal 2, a referendum to add collective bargaining rights to the state constitution, revealed the unions’ weakness. It lost by a 57-42% margin, and might have

seemed like the green light for what the radical right had been aggressively campaigning for since last spring.

Following passage of the anti-union legislation, Bob King admitted that Snyder had actually warned him, before the Proposal 2 petitions were filed, that if the collective bargaining proposal failed to pass the right-wing legislators were likely to push ahead with RTW in the lame duck session. Although this was not something he'd shared with all those who petitioned and campaigned for Proposal 2, King lamely added "I'd rather try and fail than not try at all." (Detroit News, 12/14/12)

## **The Proposal 2 Campaign**

After the Indiana legislature passed a right-to-work law — gaining RTW a foothold in the industrial Midwest — Michigan unions announced last spring they were gathering signatures for a referendum. Of course, right-wing legislatures and governors in Ohio and Wisconsin had already passed anti-union laws targeted at public sector workers.

In addition, Michigan had passed Emergency Manager legislation (Public Act 4), fast tracking its implementation. Emergency Managers (EMs), once installed in previously industrialized towns that now face hard times, imposed wage cuts, laid off workers and outsourced departments. Instead of concentrating on reversing the Emergency Manager law, a coalition of unions led by the UAW decided to take care of the problem once and for all through a constitutional amendment.

They pointed to more than 80 anti-union bills introduced into the legislature, some of which had already passed — denying graduate research students at public universities the right to unionize and banning automatic dues checkoff for teachers. But union officials underestimated the forces arrayed against them and were outmaneuvered.

The question many people asked was why add this to the state constitution when Governor Snyder assured everyone that wasn't going to be on his agenda. In fact, post-election polls clearly indicate that many who support collecting bargaining rights voted against Proposal 2 because they felt placing it in the constitution was unnecessary. (There were also six proposals on the state ballot, and some exasperated voters simply went for "no" on all of them.)

Almost \$50 million was poured into supporting or opposing Proposal 2, with unions chipping in almost \$23 million. But the unions mostly ran a routine campaign signature-gathering campaign to put the issue on the ballot and go door to door. Meanwhile the right-wing propaganda machine turned out ads that maintained even child molesters would be protected by teachers' unions if Proposal 2 passed.

When the right decided to press forward in the waning days of the 2012 session, they demonstrated they had the votes and determination to pass RTW legislation, and extracted the promise from Snyder to sign it. Multi-millionaire Richard DeVos of the Amway fortune, with ties to the infamous private security firm Blackwater, may have helped clinch the deal. (He funds the Mackinac Center, the state's own right-wing think tank, as well as the Michigan chapter of Americans for Prosperity.)

Once the deal with Snyder was struck, it was immediately announced. Americans for Prosperity set up two gigantic, corporate lobbying tents on the Capitol lawn. On hand was Tim Bos, a tea partier and founding member of the Michigan Freedom to Work Coalition. He is a 56-year old journeyman pipefitter, 17-year UAW member from a UAW family and a prominent spokesperson for the legislation.

Bos has personally lobbied every Republican legislator and traveled the state, giving talks at tea party and Rotary Club meetings since last spring. He frequently appears on TV, spouting the line

that he could have gotten a better deal negotiating with the company without the UAW.

## **Rammed Through**

Two days after Snyder announced his switch, three bills were introduced just before the vote was rammed through without any hearings. Needing 56 votes to pass in the House, they garnered 58 votes (with six Republicans voting with all of the Democrats). The Senate vote was a slam dunk.

Two thousand union members and community supporters filled the Capitol building, chanting “Hey hey, ho ho, right to work has got to go” and “We are the 99%.” The doors were locked to prevent more from entering. State troopers used pepper spray and arrested eight in the course of the day.

In the following session, on December 11, both Houses consolidated the three bills to two, and attached appropriations bills to them so that they are supposedly immune from challenge. The bills were passed that morning and sent on to the Governor while 10,000-15,000 protesters from around the state were still pouring into Lansing. Three school districts were forced to announce school closings as teachers submitted massive requests to take a personal day.

Again, only a couple of thousand were allowed into the Capitol building while the rest of us, bundled against the 25-degree temperature, marched around the building and chanted as a light snow fell. Seeing the Americans for Prosperity tent up, I noticed a security guard in front and several men inside. But the tent didn’t stay up long as the crowd moved onto the lawn. It quickly toppled over and a rousing cheer went up. Within minutes mounted police arrived to harass those standing around the deflated tent. But no one tried to put Humpty Dumpty up again.

A rotating crowd stood on the stairs by the doors, chanting loudly so that legislators were aware of our presence. Occasionally the police would harass individuals or small groups, demanding that they move, often for no apparent reason. At least in one case when a woman moved away, she was pepper sprayed anyway.

We listened to speeches from rank-and-file members. One of the most inspiring was the words of a tiny 91-year-old woman wearing the red beret symbolizing her membership in the Women’s Emergency Brigade. Her father was one of the sitdowners during the 44-day Flint strike that led to UAW recognition at General Motors. Physically supported on either side by UAW members, she recounted her experience growing up during the depression and recalled the change the union made.

Jesse Jackson gave the most radical speech with his call for a one-day strike. The crowd roared its approval, but unfortunately that idea was not promoted by union officials, including UAW President Bob King and Teamster General Secretary Jimmy Hoffa. They threatened legal action and throwing the culprits out of office in 2014.

Although we all knew the bills would pass, we still allowed ourselves a bit of humor. One of the most popular props of the day was the presence of four gigantic rubber rats sitting on the edge of the lawn. Each had a sign indicating who they were — of course one was governor Snyder, another was Richard DeVos. Many demonstrators were sure to have their picture taken with the rats.

Over the course of the afternoon, police pepper sprayed several groups and arrested three demonstrators.

Inside, once the bills were passed, about 100 demonstrators sat down in the rotunda. The police were hesitant to arrest them and later they agreed to disperse. Another direct action group attempted to confront the Governor in his office, but were prevented from entering the George W.

Romney Building by lines of troopers willing to tussle with workers under the slightest pretext.

Barricaded into his office, Snyder signed the bills later that evening, after the buses had departed for home. He triumphantly appeared at a press conference to announce the signing, stating his conviction that the bills would be good for the working class of Michigan. Without any evidence, he claims RTW means more jobs.

One of Snyder's Orwellian characteristics is his use of words that mean the opposite of the reality! Throughout the week's drama he insisted that this will "bring the people of Michigan together," "put the controversy behind us," and "bring jobs to Michigan" as he claims RTW has done for Indiana.

### **Can Labor Fight Back?**

The two bills will go into effect in April 2013, but will not abrogate union contracts already in place. Thus there will be a significant delay before its provisions will be implemented. However two points are important to note: The passage of this legislation represents an extremely painful psychological blow against working-class people standing together to fight against the imposition of deteriorating wages and working conditions in one of the most unionized states in the country. I believe ideology is more important than whatever economic gains might accrue to employers. Of course it is also meant to deprive the Democratic Party of union funding.

Is it possible for unionized workers not only to understand the level of attack, but be prepared to organize on the shop floor to rebuild a tradition of militancy so that workers would want to maintain their union membership and even become union activists? Unions were not built by concessions, but have certainly been undermined by them. Here the most important concessions have been the willingness on the part of unions to agree to second-tier wages for new workers and to allow workers to remain "temporary" workers for years.

Organizing requires unions that are democratic and willing to take on the employers. What's tragic is that many union members voted against Proposal 2 last November because they are deeply resentful of the failure of many unions to be more than a transmission belt that delivers company demands and tells its members they are lucky to have jobs.

Historically the U.S. working class has been segmented. This is how employers are able to pay some worker less than others and use some of the working class only when needed. That's how women, African Americans and immigrant workers have been treated. The CIO, with its concept of industrial unions, attempted to overcome this segmentation.

Today Walmart is the country's largest employer. It hires permanent part-timers without benefits and at such a low wage that many are eligible for food stamps. In order to revitalize the labor movement and to overcome the atomizing attacks of the radical right, we need a new, and profoundly democratic, approach to organizing the entire working class. This means, as in the 1930s, organizing those who do not have jobs as well.

A number of demonstrations have been called over the last few days and it seems like everywhere Governor Snyder goes, he may encounter a crowd opposing his deeds. He thinks it's time to move on. It's not clear to me whether he's really dumb, and doesn't get what passage of this legislation means for Michiganders, or whether he's really smart, and understands that labor officials will huff and puff but try to contain the anger people feel.

**Dianne Feeley**

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## Other Horrendous Acts

PASSAGE OF THE right-to-work-for-less bill is only one of several horrendous laws the Michigan legislature has enacted in the final days of its session.

The legislature had to find a way to overcome the November referendum's thumbs down of the Emergency Manager legislation. Public Act 4, which had been passed by the legislature and signed by governor Snyder last March, allowed the state to take over school districts, as well as cities and towns under financial distress, at the Governor's determination. Once installed, the EM could redraw districts, tear up union contracts, sell off assets and outsource work. It went down to defeat as Proposal 1 in November.

While the rise in foreclosures, decline in property taxes, reduction of revenue sharing at the state level and the decline in federal allocations to cities and counties put all but 64 out of 230 municipalities in a financial corner, the state government blamed them for failure to balance their budgets. In fact, the Governor has appointed managers almost exclusively in predominantly Black cities.

State officials, pretending to "hear" the criticism of Public Act 4 as anti-democratic, fashioned a similar bill — but one that offers elected officials four "choices." Their basket of options includes a "structured settlement" with creditors, appointment of an Emergency Manager, a consent agreement with oversight from a Financial Advisory Board or bankruptcy. In other words, the new law, PA 76, allows local officials to choose which form of death they prefer. What it doesn't do is increase the proportion of state revenue sharing sent back to municipalities.

Another set of bills is aimed at women's health care. These include:

- Allowing physicians and other health care providers to refuse services to patients when there is a "moral" objection. Employers can also refuse to pay for particular health services under the same rubric. Of course this is aimed squarely at women's reproductive issues, including birth control and abortion.
- Requiring women seeking private medical insurance to purchase optional insurance coverage for abortion.
- Adding so many additional, unnecessary and harassing "regulations" on women's health centers that they may be forced to close.
- Outlawing "telemedicine" and the emergency contraception known as Ella. This targets women in the state's rural areas. (Currently 21 of the state's 83 counties lack an OB/GYN provider.) Snyder's signature on the anti-choice bills was pending at press time.

The legislature also managed to pass, and the Governor is expected to sign, a bill that allows Olympia Entertainment — owned by billionaire Michael Ilitch, who also owns the Red Wings — the right to apply for Detroit's Downtown Development Authority school property tax money, a pot of almost \$13 million annually. The Olympia Entertainment spokesperson did not reveal the location of the multipurpose arena and explained the firm doesn't yet have architectural plans to present.

The session ended as the Senate voted on making it more difficult to recall elected officials (reducing the number of days in which signatures could be gathered by one-third and limiting the number of recall attempts to one per term) and sent the bill on to the House. It was touted as allowing politicians “to vote their consciences” without having to worry about being recalled!

On the final evening the House approved and sent to the Senate a massive package to phase out personal property tax on commercial and industrial equipment. This would eliminate an annual \$600 million in corporate property taxes on which many local governments depend, threatening to push already struggling municipalities into insolvency. It also passed and sent to the Senate legislation allowing those with concealed weapon permits to carry them in churches, schools, day care centers and stadiums. Snyder vetoed the concealed weapons bill following the Newtown massacre.

Left hanging was legislation that codifies the Education Achievement Authority (EAA), a completely untested experiment between the Detroit Public Schools’ Emergency Manager, Roy Roberts, and the Eastern Michigan University Board of Regents. The bill sets up a governor-appointed EAA board with a chancellor similarly appointed for the 5% lowest testing Michigan schools — although so far only 15 Detroit schools have been put into the EAA. Clearly these schools will be almost completely shielded from local public scrutiny.

Working people in Michigan, just as in other Rust Belt states, are under severe attack on all sides.

**Dianne Feeley**

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**P.S.**

\* Against the Current n°162, January/February 2013:  
<http://www.solidarity-us.org/site/node/3767>