

Testimony of John Kalb
Vice President, National Right to Work Committee
Before the Joint Standing Committee on Labor and Housing
On Legislative Docket 1636 and Legislative Docket 1707
May 2, 2023

Senator Tipping, Representative Roeder, members of the committee, my name is John Kalb, and I am Vice President of the National Right to Work Committee.

On behalf of our tens of thousands of members and supporters in Maine, I am here to speak in support of LDs 1636 and 1707 and the freedom of association that it advances.

This bill would protect every individual from being compelled to pay union dues or fees in order to work for a living, finally making Maine a Right to Work state.

Unfortunately under current law in Maine, a union boss can choose to impose monopoly bargaining on workers, taking away an individual's right to negotiate for themselves.

They then demand the government-enforced authority to extract dues or "fees" from that unconsenting worker, adding insult to injury.

That's just plain wrong.

This bill would guarantee workers the right to decide for themselves whether or not a labor union deserves their financial support, the same as any other private organization.

Once, when asked if he would support a controversial resolution at a national union convention, former Iowa State Education Association Executive Director Fred Comer said,

"Hell no, we don't support it! Iowa is a Right to Work state. We have to earn our membership. If we supported that, we'd lose too many members."

(over)

You see, without Right to Work protections, there is little incentive for union officials to offer a good service to their members -- because they can compel people to pay them either way.

The fact is, good unions don't need forced dues, and bad unions don't deserve them.

Furthermore, it is clear that Right to Work would help Maine's economic outlook.

From 2011 to 2021, the percentage growth in number of people employed was only .7% in Maine, and 8.7% in all forced-unionism states. Right to Work states, on the other hand, enjoyed employment growth of 15.7% -- many times more than Maine's, and nearly double that of forced-unionism states as a whole.

That's no surprise, because as PHH Fantus found and others have confirmed, roughly half of businesses automatically rule out relocating or expanding to states that lack a Right to Work law.

Furthermore, residents of Right to Work states enjoy roughly \$2,500 more in average real disposable income per year.

Clearly, not only is Right to Work the morally right thing to do, but protecting this freedom will also help Maine's workers and economy.

Therefore, I urge all of you to vote to advance these bills.



FACT SHEET

National Institute for Labor Relations Research

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Right to Work States Benefit From Faster Growth, Higher Real Purchasing Power

April 2023

Percentage Growth in Number of People Employed (2012-2022)	Right to Work States	15.7%
	Forced-Unionism States	8.6%
	Maine	0.7%
	Source: U.S. Dept. of Labor, Bureau of Labor Statistics (BLS) Household Survey	
Percentage Growth in Total Private- Sector, Manufacturing Employment (2012-2022)	Right to Work States	11.9%
	Forced-Unionism States	2.1%
	Maine	7.3%
	U.S. Department of Commerce, Bureau of Economic Analysis (BEA)	
Cost of Living-Adjusted Disposable Income Per Capita (2022)	Right to Work States	\$54,465
	Forced-Unionism States	\$51,892
	Maine	\$45,305
	U.S. Department of Commerce, Bureau of the Census (BOC) and BEA; Missouri Economic Research and Information Center (MERIC)	
Growth in Population Aged 35-54 (2011-2021)	Right to Work States	3.5%
	Forced-Unionism States	-4.2%
	Maine	-11.6%
	BOC	
Percentage Real Growth in Household Consumption (2011-2021)	Right to Work States	22.5%
	Forced-Unionism States	15.0%
	Maine	12.5%
	BEA	
New Privately-Owned Single- Unit Housing Authorizations Per Thousand Residents (CY 2022)	Right to Work States	4.2
	Forced-Unionism States	1.6
	Maine	3.3
	BOC; National Association of Home Builders	

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Five Reasons Why Maine Should Pass a Right to Work Law

1. Freedom to Associate Also Means Freedom Not to Associate

The average man on the street, as well as constitutional scholars, understands that any genuine personal right should include the freedom to refrain from exercising that right.

But federal labor law, like many state laws that are modeled after it, doesn't protect employees' freedom in the commonly accepted sense of the word.

It recognizes the right to join a labor union, but does almost nothing to protect those who don't want labor union affiliation.

Contrary to the false claims that Organized Labor and other advocates of forced unionism sometimes make, labor union officials can choose to *represent only their members* and allow non-members to bargain for themselves.

An August 2007 legal brief filed with the National Labor Relations Board (NLRB) by the United Steelworkers of America (USWA) and six other large, AFL-CIO-affiliated unions openly acknowledged that such "members-only" bargaining has been permissible under federal law for decades.

And a January 2008 NLRB petition filed by lawyers for the entire six million-member "Change to Win" union conglomerate, which broke off from the AFL-CIO in 2005, acknowledged the same thing.

Moreover, in a November 2014 opinion for a unanimous Indiana Supreme Court, Justice Brent Dickson affirmed: "The union's federal obligation to represent all employees in a bargaining unit is optional; it occurs only when the union elects to be the exclusive bargaining agent"

However, since the early 1960's, union officials have rarely tried to exercise their members-only option.

Instead, union organizers have focused their efforts on obtaining recognition from the employer as the monopoly-bargaining agent of all the employees in a so-called "bargaining unit." Private-sector monopoly bargaining is authorized and promoted by both the National Labor Relations Act (NLRA) and the Railway Labor Act (RLA).

Under monopoly bargaining, employees lose the individual right to bargain for themselves over their wages, benefits, and work rules, and must allow a union agent to negotiate in their stead, like it or not. This is the foundation of compulsory unionism.

And once union officials have rejected their members-only option and exploited NLRA or RLA provisions to seize monopoly power over private-sector employees, they then use that power as an excuse for demanding that the employer acquiesce to a contract forcing workers to pay union dues or "agency" fees to get or keep a job.

Such demands are abetted by federal law and certain state laws that authorize and promote the firing of employees for refusal to join or pay dues to an unwanted union.

This is just plain wrong.

What impact does the so-called "representation" have on workers who don't want it? As political allies of Big Labor and union officials themselves have admitted repeatedly over the years, all too often the best workers are actually harmed by monopoly bargaining.

For example, in 2015, then-California Attorney General Kamala Harris and other union-label Golden State government officials acknowledged in a brief submitted to the U.S. Supreme Court that, under statutes and case law authorizing monopolistic unionism, Organized Labor bosses "do have substantial latitude to advance bargaining positions that . . . run counter to the economic interests of some employees."

And in June 2012 Big Labor lobbyists successfully pressured a 54-45 majority of U.S. Senators into opposing an appropriations amendment that would have allowed employers subject to union monopoly-bargaining agreements to reward their best workers with pay increases based solely on their merit, without first receiving union officials' permission.

People should not be forced to contribute or pay dues to an organization that they do not wish to belong to, whether it's a church, the Girl Scouts of America, or a labor union.

Today, there are well over five million private-sector working Americans who, under federal law, must pay dues or so-called "agency" fees to union officials on pain of being fired, and in exchange often receive lower wages and/or less job security than they would if they were representing themselves.

However, a majority of states have adopted constitutional amendments or statutes that apply the freedom-to-refrain principle to labor-management relations by outlawing the forced payment of dues or fees as a condition of employment.

If a worker's freedom to affiliate with a labor union merits government protection (and the overwhelming consensus is that it does), then it should follow that the freedom *not* to affiliate with a labor union also merits protection.

By protecting employees from both employers and union officials who would deny them freedom of association, a Maine Right to Work law would prevent the exploitation of employees as a means to anyone's end.

But as long as Maine lacks state Right to Work protections, federal law will authorize the termination of Maine workers for refusal to pay dues or fees to an unwanted union. This policy promotes Big Labor exploitation of workers.

2. Right to Work Bolsters Job Creation, Personal Income Growth

In addition to shielding up to 21,000 workers who are currently subject to union monopoly bargaining from forced union dues payment as a condition of employment, Right to Work would help the Maine economy.

Study after study shows that states that have Right to Work laws on the books have a huge advantage in creating jobs and expanding their economies.

The facts show businesses are naturally inclined to locate new jobs in and, when feasible, transfer existing jobs to jurisdictions where the Right to Work is protected.

The late Rutgers University professor Leo Troy, for many years the preeminent labor economist in America, observed in a 2006 study that "right-to-work laws are strongly correlated with faster growth in jobs and personal income."

In a journal article published in early 2010, Ohio University economist Richard Vedder, the author of more than 100 academic papers as well as several books and a specialist in labor, taxation and education issues, reported his finding that there is a "very strong and highly statistically significant . . . positive relationship between" Right to Work laws "and economic growth."

As recently as 1970, 28.5% of Americans lived in Right to Work states, noted Vedder. By 2008, the "proportion" had risen to nearly 40%.

And "the most important reason for the increase in the percentage of the U.S. population" living in Right to Work states over those 38 years was "a huge migration of persons" from forced-unionism states "to those allowing greater personal liberty with respect to employment."

Adjusting U.S. Commerce Department data for interstate differences in living costs with the help of an index calculated by the nonpartisan Missouri Economic Research and Information Center (MERIC), in 2022 Right to Work states had an average per capita disposable income of \$54,465, roughly \$2,600 more than the aggregate average for forced-unionism states.

And academic studies carried out by economists and financial specialists over the past three decades have repeatedly shown that households in Right to Work states nationwide have higher cost of living-adjusted incomes.

For example, a study by Dr. Barry Poulson, an economics professor at the University of Colorado (UC) in Boulder and past president of the North American Economics and Finance Association, compared cost of living-adjusted household incomes for all the metropolitan areas located entirely in a Right to Work state (or states) or a non-Right to Work state (or states) for which data were available.

Poulson found that, when the number of households in each metro area is factored into the equation, the average cost of living-adjusted household income in Right to Work state metro areas in 2002 was \$50,571, compared to \$46,313 in non-Right to Work state metro areas.

Research by AFL-CIO-affiliated scholars reveals a similar Right to Work advantage, though union bosses naturally downplay the finding.

Data furnished in the American Federation of Teachers (AFT/AFL-CIO) union's "Survey and Analysis of Teacher Salary Trends 2002," published in July 2003, showed that on average, living costs (excluding all taxes) are roughly 15% higher in non-Right to Work states than in Right to Work states.

Once Bureau of National Affairs data on mean weekly earnings in the 50 states are adjusted for cost of living, using the AFT index, and taxes, they reveal that real, spendable 2001 earnings were on average 5.6% higher in Right to Work states.

3. Right to Work's Benefits Reach Citizens at All Income Levels

In addition to protecting the freedom of association and promoting economic development, a Maine Right to Work law would be an anti-poverty program with a proven record of success.

Economists of all political stripes know that a buoyant employment market is especially beneficial to job-seekers who are striving to pull themselves and their families out of poverty. In a more vibrant economy, those just entering the work force find jobs more quickly and can command higher wages when they do.

Therefore, it's not surprising that a far larger share of citizens in compulsory-unionism states must depend on federal welfare payments to get by than in Right to Work states.

According to U.S. Administration for Children and Families data, in FY 2022 an average of just 2.2 per 1000 residents of Right to Work states were recipients of the principal federal welfare program (Temporary Aid to Needy Families, or TANF). Welfare dependency in Right to Work states that year was less than one-fourth as great as in non-Right to Work states.

Furthermore, over the past five decades, Right to Work states have made far more rapid progress than non-Right to Work states in cutting poverty as well as welfare rolls.

As Paul Kersey of the Midland, Mich.-based Mackinac Center for Public Policy noted in a 2007 study, between 1969 and 2000, poverty rates “dropped by 6.7 [percentage pos] on average in right-to-work states, compared to a reduction of 2.0 [percentage points] in non-right-to-work states.”

4. Without a Right to Work Law, It Is Basically Impossible To Prevent Forced-Dues Politicking by Union Bosses

If Maine’s Legislature establishes Right to Work protections for employees, workers and other citizens will have a brighter economic future. But that’s not all. It will also ensure Maine workers have a practicable right to refuse to contribute to political candidates they do not wish to support.

Every election year, forced union dues and “agency” fees finance phone banks, get-out-the-vote drives, and “volunteer” campaign organizing work by union staff who remain on the union payroll. The fact is that union bosses’ direct PAC contributions to candidates are just the tip of the iceberg.

Well-informed political observers agree that the value of the union bosses’ hidden forced-dues expenditures is far greater than that of all union and business reported PAC contributions to GOP and Democratic candidates combined.

In a February 20, 2005 op-ed for the Los Angeles *Times*, Jonathan Tasini, former president of the AFL-CIO-affiliated National Writers Union and now a rabidly anti-Right to Work blogger and head of the Labor Research Association, a New York City-based consulting firm with a long list of Big Labor clients, spoke candidly about union officials’ forced-dues politicking.

Tasini reported that several “union political experts” had told him “unions spend seven to 10 times what they give candidates and parties on internal political mobilization.” So, said Tasini, “we’re talking \$8 billion to as much as \$12 billion on federal elections alone” between 1979 and 2004.

In 2019 and 2020 alone, Big Labor acknowledged spending nearly \$2 billion on politics and lobbying, according to a 2021 analysis by the National Institute for Labor Relations Research, relying almost exclusively on reporting forms filed by union officials themselves with federal and state government agencies.

In the 23 states that still lack Right to Work protections for employees, union bosses can and routinely do spend forced-dues money extracted from private-sector workers on pain of firing to support candidates and causes those very workers oppose.

While Right to Work advocates have sought in the judiciary system for decades to curtail Big Labor’s abuse of workers’ forced dues to help elect and reelect politicians with whom they disagree, experience shows that state Right to Work laws are a far more effective means of combating forced dues for politics.

Only by passing a state Right to Work law can Maine elected officials prevent union bosses from engaging in this outrageous form of political corruption with employees' conscripted dues and fees.

5. Right to Work Laws Deter Union Corruption

The incestuous relationship between forced union dues and corruption was captured perfectly by the late U.S. Sen. John McClellan (D-Ark.): "Compulsory unionism and corruption go hand in hand." McClellan was referring to the corruption inherent within labor organizations that depend on the forced tribute of workers.

Compulsory dues foster not only the misuse of union treasury funds for political purposes, but also union embezzlement, extortion, bribery, and bid-rigging. Since the late 1990's, eight international union presidents have been forced out of office after being implicated in felonies.

And, according to the U.S. Labor Department's union-fraud unit, in Fiscal Year 2008 alone its investigations resulted in more than 100 convictions of corrupt union officials and their cohorts, primarily on charges related to embezzlement of workers' forced union dues and fees.

However, "only a small percent of these crimes are detected," according to the late La Verne Duffy, who served as general counsel for the U.S. Senate Permanent Subcommittee on Investigations.

When an employee's Right to Work isn't protected, refusal to join or financially support a union he or she believes or knows to be corrupt can be grounds for dismissal.

It shouldn't be surprising, therefore, that two scholarly studies of union corruption by journalist and labor-policy expert Carl Horowitz, issued in 1999 and 2004, found that union corruption is pervasive in non-Right to Work states, but relatively rare in Right to Work states.

In a 2006 book-length expose of union corruption, lifelong union activist Robert Fitch explained the correlation this way:

"In the Western world, American unions like the Teamsters, the Longshoremen, UNITE, and the Laborers are the last refuge of premodern despotism. . . . More than any other single factor, what turns them into realms governed by petty warlords is a lack of consent."

Horowitz similarly concluded in his 1999 monograph, *Union Corruption: Why It Happens, How to Combat It*: "Union corruption occurs most frequently, and involves greater sums of money, in states without a Right to Work law."

Acting individually or in groups, employees should have the option of punishing union bosses as soon as they see wrongdoing by withholding their dues.

Nothing here is to be construed as an attempt to aid or hinder the passage of any bill before the Maine General Assembly.