

which prohibits discharge for this reason and the costly litigation, formidable ill will, and loss of production which is sure to ensue if they try it. It ignores the fact that employers have businesses to run and that good workmen are prized in any shop; that a manager would have to find devious ways to discharge upward of 50% of his people in a shop with union representation in order to get rid of the union — and his success would be only temporary at that. To spend time on such activity instead of concentrating on making and selling the product would be a sure road to bankruptcy in most instances. Senator Douglas also ignores the fact that unions are far more adept at discriminating against and putting pressure on nonmembers than employers ever can be in the opposite direction.

TO INSIST that union security provisions are vital under such circumstances is to strain the imagination unduly. Besides, it is not borne out by the facts of union growth. More logical reasons for demanding security provisions is that they make life much easier for union leadership. Having once secured representation by a majority vote, it is much simpler to negotiate a contract which will blanket in the rest of the employees in a plant and thus avoid the mission-

ary work of convincing them they ought to belong. The union shop, coupled with preferential hiring, enables the union virtually to perpetuate itself in control of the jobs in that shop and the union officers in their jobs.

Mrs. Elinore M. Herrick, director of personnel of the *New York Herald Tribune*, accurately described the situation in a panel discussion before the Academy of Political Science: "Once an employer has accepted the principle of compulsory unionism as a practical matter, he is stuck with it and so are his present and future employees, despite the provision of the Taft-Hartley Act which gives the employees the right to petition for a decertification vote. I have seen a few instances of the kind of internecine warfare that such a situation develops and the destruction of production resulting from the turmoil of the fight. And there are too many examples of firms that have been forced out of business because their employees rejected a powerful union . . ."

As to the need of unions for security provisions in order to grow, some revealing statistics on the subject are those supplied by a few of the railroad brotherhoods, which were without such provisions for fourteen years. Fred G. Gurley, president of the Santa Fe, offered these figures to the Academy of Po-

litical Science, stating they came from union sources.

In 1935, the Brotherhood of Railway Clerks had about 72,000 members; by 1952 membership had grown to at least 250,000 and perhaps as high as 325,000.

The Brotherhood of Maintenance-of-Way Employees had about 33,500 members in 1935; in 1952 it had at least 158,600 and possibly as high as 171,400.

The Brotherhood of Railway Carmen grew from about 55,000 in 1935 to between 114,600 and 145,500 in 1952. According to Mr. Gurley, other railroad unions ex-

panded in comparable fashion during the same fourteen-year period, during which the law forbade compulsory unionism.

It may just be that if union officials did not place so much emphasis on compulsion, there would be more employees joining voluntarily. Americans are a cantankerous breed and don't like to be pushed into things, even for their own good. All this talk of the union shop, union discipline, and union control is like a red flag to many people who always have considered themselves free and want to stay that way.

EDITOR'S NOTE: To Mr. Maher's discussion of the right-to-work issue might well be added the following excerpts from an address by J. C. Gibson, vice-president and general counsel of the Santa Fe, before the Section of Labor Relations Law, American Bar Association, at Philadelphia, August 23, 1955:

Right-to-work laws do not purport to create new rights but only to protect fundamental rights from invasion through imposition of compulsory unionism as a condition of employment. They do not directly create any jobs, but by helping to keep the economy free and by keeping opportunities open, they inevitably in the long run lead to more and more chances for employment. . . .

The freedom of association springs from the liberty of the individual to order his life as he sees fit, to choose where he will work, and what, if any, church, political party, fraternity, lodge, society,

league, club or other private organization he will join. . . .

The right not to join is a necessary corollary of the right to join, for without a right not to join there can be no such thing as a right to join. Freedom rests on choice, and where choice is denied freedom is destroyed as well. . . .

The first ten amendments and the Fourteenth Amendment to the federal Constitution do not apply to purely private action but instead serve only to check assertions of governmental power. But labor relations are so regulated by law today that compulsory union membership is ordinarily possible only