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A STUDY OF THE EFFECTS OF THE  
'RIGHT TO WORK' ON KANSAS LOCAL UNIONS

by

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## INTRODUCTION

Legislation in the area of labor relations has been developed considerably since the passage of the first major legislation in this area, the National Labor Relations Act of 1935. Further legislation in the labor relations area was the Labor Management Relations Act passed in 1947. This act, commonly referred to as the Taft-Hartley Act, actually developed the limitations on union security agreements known as "right to work" laws by allowing the states to enact their own restrictions within this area.<sup>1</sup>

"Right to work" laws are defined as limitations on union security agreements established through provisions that no person shall be denied, or excluded from employment because of membership or non-membership in a labor organization.<sup>2</sup> These laws have been the center of considerable controversy over the past sixteen years. The opponents of the laws, the labor faction, believe the purpose of such laws is to weaken and destroy unions. On the other hand the proponents feel that the laws are necessary for the maintenance of freedom being challenged by union autocracy.<sup>3</sup>

Kansas, a relatively new "right to work" state (1958), has been no exception to the rule involving the controversy. A considerable amount of discussion has been presented by the two factions in the state concerning the desirability and undesirability of the law. However, this report will

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<sup>1</sup> Labor Management Relations Act of 1947, Section 14(b).

<sup>2</sup> Sanford Cohen, Labor in the United States, Columbus, Ohio; Charles E. Merrill Books, Inc., 1960, p. 253.

<sup>3</sup> Ibid., p. 254.

attempt to evaluate only the effect of the Kansas "right to work" law on Kansas local unions. Therefore, only the union viewpoints will be examined. It is the purpose of this report to examine these effects on the local unions by analyzing the views of the local union representatives within the state.<sup>4</sup> Since the study involves a relatively small area within the framework of the "right to work" issue, it can be realized that there are many divergent opinions on this law. Therefore, in order to obtain a realistic view and establish a basis for the analysis it was necessary to survey the opinions of the union representatives. The questionnaire technique was used to survey the AFL-CIO affiliated craft and industrial unions in the state. The findings of the questionnaire will be used to attempt to formulate conclusions on the effects of the "right to work" law on these unions.

#### THE QUESTIONNAIRE ANALYSIS

A mail questionnaire with an accompanying letter (see Appendix) was distributed to the affiliated AFL-CIO locals which have jurisdictional territories within Kansas. Independent local unions were not included in the survey because of the lack of adequate information concerning their location and classification and the generally small percentage of the total union membership which they represented in the state.<sup>5</sup>

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<sup>4</sup> Local unions can be defined as labor organizations with jurisdiction over members within specific geographic areas, in this case only AFL-CIO affiliated unions.

<sup>5</sup> "Unaffiliated Local and Single Employer Unions in the United States, 1961." Bureau of Labor Statistics Bulletin 1348, U. S. Dept. of Labor, p. 5.

Several basic assumptions were incorporated into the analysis of the results of the survey in order to make valid use of the answers to the questions within the questionnaire. These assumptions included:

1. The answers which were received were accurately conveyed by the union officials.
2. Any contrasts revealed by the questionnaire between the time prior to the passage of the Kansas "right to work" law and the present could be at least partially attributed to the law, since it was a major piece of legislation involving unions at the local level.
3. Classification of unions into craft and industrial groups was valid for locals such as Retail Clerks, Municipal Workers, and Building Service Employees.
4. Any answers received from either district craft councils or central labor unions were applicable to the local unions within the jurisdictional confines of the council or central union.

The general results of the questionnaire were satisfactory due to the fact that the return involved 117 of the 480 total questionnaires distributed. This was a return of 28.2 per cent which can be compared to an average of 15 per cent return for most mail surveys.<sup>6</sup> The segregation between craft and industrial unions was 39.5 per cent return for the craft

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<sup>6</sup> Albert B. Blankenship, Consumer & Opinion Research, New York: Harper & Brothers, 1943, p. 44.

group and 16.5 per cent return for the industrial group.<sup>7</sup> Table 1 shows the union classification into the two general categories. However, some of the occupations were, of necessity, classified arbitrarily. Coverage of a broad range of occupations was necessary to obtain an accurate survey of the possible effects of the "right to work" law. The names of the unions within Table 1 also reveal the industries which were studied.

Further investigation of the results of the survey indicated that the majority of the responses were from unions which had less than 100 members for the industrial group, while the majority of the craft unions had under 75 members. Table 2 illustrates the extent of the coverage of the survey in regard to the individual union memberships.

#### DEVELOPMENT OF THE "RIGHT TO WORK"

The true beginning of the concept of voluntary unionism has not been definitely established. However, the Labor Management Relations Act of 1947 has been cited as the original legislative force responsible for the initiation of the "right to work" movement. Provisions for state enactment of these restrictive laws are found in Section 14 (b) of the Labor Management Relations Act. This section states:

Nothing in this act shall be construed as authorizing the execution or application or 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 and Territorial law.

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<sup>7</sup> It is interesting to note that 74 per cent of the responses wrote extra comments, with extra pages in many cases.

Table 1. Classification of surveyed unions.\*

Crafts	:	Industrial
Asbestos Workers Bakers & Confectionery Wkrs. Boilermakers Bricklayers Brick & Clay Workers Carpenters Cement Finishers Electrical Workers Engineers, Hoisting Fire Fighters Firemen and Oilers Glaziers and Glass Workers Glass Bottle Workers Grain Millers Hod Carriers Iron Workers Laborers, Heavy Const. Laborers, Constr. & Gen. Lathers-Wood, Wire & Metal Locomotive Firemen & Engr. Machinists Meat Cutters Millmen & Cabinet Makers Millwrights Musicians Painters & Decorators Photo Engravers & Stereo. Plasterers & Cement Masons Plumbers & Pipefitters Printing Pressmen Roofers & United Ass'n Sheetmetal Workers Tile, Marble & Terrazzo Wkrs. Typographic Unions	:	Automobile Workers Bookbinders Bus Drivers Brewery Workers Cement, Lime & Gypsum Wkrs. Chemical Workers Clothing Workers Commercial Telegraphers Communication Workers Distillery Workers Engineers, Operating Garment Workers Government Workers Hotel and Restaurant Wkrs. Industrial Workers, Allied Insurance Workers Lithographers Mailers Moving Picture Machine Oper. Office Employees Oil & Atomic Wkrs. Packinghouse Wkrs. Papermakers & Paperworkers Railway Carmen Railway Clerks Rubber Workers, United Stage Hands State, County & Muncil. Wkrs. Steel Workers Teachers Woodworkers, International

\* Classifications within the table were obtained through the use of a Kansas AFL-CIO mailing list, helpfully supplied by F. E. Black, Kansas State Federation of Labor, AFL-CIO, Executive Secretary-Treasurer.

Table 2. Distribution of union membership which responded.

Craft		:	Industrial	
Class	No. in Class	:	Class	No. in Class
Under 25	11		Under 25	5
25-50	15		25-50	4
50-75	6		50-75	2
75-100	5		75-100	3
100-125	1		100-125	1
125-150	2		125-150	1
150-175	3		150-175	1
175-200	2		175-200	1
200-225	2		200-225	1
225-250	1		225-250	0
Over 250	13		Over 250	8
Total	61		Total*	27

\* Note: Totals will not agree with total responses since several unions did not reveal their membership or a council response could not be segregated by local.

The act attempted to establish a more equitable balance in labor relations as well as a new set of "rights" for the individual worker.<sup>8</sup> This balance was established by reducing somewhat the legal limitations placed upon employers by the National Labor Relations Act, which enumerated a series of employer unfair practices.<sup>9</sup> The Taft-Hartley Act of 1947 enumerated a

<sup>8</sup> David Bell, "Taft-Hartley -- Five Years After," Fortune, July 1952, 46:69.

<sup>9</sup> Stephen J. Mueller and A. Howard Myers, Labor Law and Legislation, Cincinnati, Ohio: South-Western Publishing Co., 1962, p. 833.



series of union unfair labor practices for the protection of both employees and employers. The new set of "rights" for the individual was provided in Sections 8 b and 14 (b) of the 1947 Act.

Following the enactment of the Labor Management Relations Act, seven states immediately passed statutes or established Constitutional amendments to limit union security agreements.<sup>10</sup> These states were followed by eight other states in the period from 1947 to 1963. The chronological order of the enactments of "right to work" legislation within the so-called "right to work" states is presented in Table 3.

Table 3. Right to work states.\*

States	Year of Enactment
Florida	1944
Arizona	1947
Arkansas	1947
Iowa	1947
Georgia	1947
Nebraska	1947
North Carolina	1947
North Dakota	1947
South Dakota	1947
Tennessee	1947
Texas	1947
Virginia	1947
Nevada	1952
Alabama	1953
Mississippi	1954
South Carolina	1954
Utah	1955
Indiana	1957
Kansas	1958
Wyoming	1963

\* Sources: "Right to Work Fight Spreads," Nation's Business, March 1958, 46:16.

"Right to work" Battles Planned," U. S. News & World Report, March 4, 1963, 54:88.

<sup>10</sup> Florida, Arizona, Arkansas, Nebraska, and South Dakota enacted these statutes prior to the Taft-Hartley. Milton J. Nadworny, "Impact of 'Right to Work' Laws," Challenge, April 1963, p. 1.

This table shows that Kansas was the nineteenth state to enact a "right to work" law. Actually, Delaware, Hawaii, Maine, and New Hampshire have enacted but later repealed such legislation.<sup>11</sup> However, Kansas was only the sixth state to enact the law in the form of a state Constitutional amendment.<sup>12</sup>

The movement to establish a "right to work" law in Kansas began in 1947.<sup>13</sup> The Kansas state legislature did not pass the law until 1955, but it was vetoed at that time by Governor Fred Hall.<sup>14</sup> However, a law was passed to prohibit the closed shop, but allowed the union shop upon majority vote of the bargaining unit. Following the initial defeat of the "right to work" bill, it was re-entered in the November 4th General Election of 1958 and was accepted by a public referendum ballot with 369,511 in favor versus 280,325 opposed or a ratio of 57 per cent to 43 per cent of the total vote, respectively.<sup>15</sup>

Section 12 of the Constitution of the state of Kansas, added after the 1958 ballot, states the "right to work" law as follows:

No person shall be denied the opportunity to obtain or retain employment because of membership or non-membership in any labor organization, nor shall the state or any subdivision thereof, or any individual corporation, or any kind of association enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of membership or non-membership in any labor organization.<sup>16</sup>

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11 Nadworny, op. cit., p. 2.

12 D. A. Swankin, "State 'Right to Work' Legislation Action in 1958," Monthly Labor Review, December 1958, 81:1380.

13 Ibid., p. 1381.

14 "Right to Work", Time, April 11, 1955, 65:24.

15 Swankin, op. cit., p. 1381.

16 "State Labor Laws-Kansas," Bureau National Affairs, Binder, 26:286.

In 1961, the Supreme Court of Kansas extended the restrictions of Section 12 by prohibiting the agency shop agreement.<sup>17</sup> An agency shop agreement provides that employees who do not join a union must pay the union the equivalent of union fees or dues in order to retain their jobs. The United States Supreme Court in December 1963 ruled that state courts can enforce a state's ban on the agency shop agreement. This Supreme Court ruling provided the legal jurisdictional test needed by the state courts for enforcement of the "right to work" law.<sup>18</sup> The decision sealed union hopes of circumventing "right to work" laws through the incorporation of the agency shop agreement in labor contracts with its contingent service fee arrangement. The decision also was significant because of the Federal pre-emption doctrine established previously by the Court which assigns the National Labor Relations Board the responsibility for interpreting labor law rather than the state courts. In other words, the "right to work" states can enforce their laws restricting compulsory unionism.<sup>19</sup>

#### MAJOR IMPLICATIONS

##### Union Security

A union security clause within a contract agreement between management and a union provides that membership in the union be a condition of employment. However, the Labor Management Relations Act has restricted this provision as a condition of employment and the "right to work" states have limited it even further.

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<sup>17</sup> Ibid., p. 287. The case which was precedent setting in this matter was Higgins vs. Cardinal Manufacturing Co., 1961.

<sup>18</sup> "Supreme Court Allows State Courts to Apply Bans on Agency Shops", Wall Street Journal, Dec. 3, 1963, p. 3.

<sup>19</sup> "Victory for 'Right to Work' Laws; Banning Agency and Union Shops," U. S. News and World Report, December 16, 1963, 55:108.

Various forms of union security provisions have been incorporated into collective bargaining agreements. Some of these forms include:<sup>20</sup>

1. The closed shop agreement, which is the most extreme type, requires that employees belong to the appropriate union before they can be hired. Closed shop agreements generally exist in the printing, construction and maritime trades.
2. The union shop agreement removes the condition of union membership at the time of initial employment, but it requires that the employees join the union within a specified period of time. Normal contracts provide a period of thirty days while the construction industry reduces the time to seven days.
3. The agency shop agreement provides some flexibility to the contract agreement by providing that employees either join the union or, if they choose not to, pay a service fee which is equivalent to union dues. This provision enables the union to function financially since it bargains for both members and non-members.
4. A maintenance of membership agreement grants the employee an element of free choice through the provision that he may or may not join the union. However, an employee who joins the union must remain a member throughout the life of the contract with a withdrawal period usually of fifteen days in duration at the time of contract negotiations.

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<sup>20</sup> Cohen, op. cit., p. 246-247.

In 1947, the Labor Management Relations Act ruled that a "closed shop" agreement was unlawful in Section 8 (a) (3). The state "right to work" laws further limited the union shop and later the agency forms of the union security agreements for several principal reasons. First, under the union shop agreement the individual still does not have complete freedom of choice with regard to union membership, once he has been employed.<sup>21</sup> Likewise, the agency shop agreement continues to restrict the individual's freedom of choice by establishing a financial obligation to the union.

Disadvantages were found in several of the security agreements. These involved the alleged excessive power obtained by union leaders and their disregard for the union members as a represented group. However, the question has often been raised by the advocates of union security agreements as to the frequency of such abuses and whether legislation was required in order to correct the few situations which developed. Actually, for most union members, it has not been necessary to force them to join a particular labor organization.<sup>22</sup> Surveys which have been conducted by the National Labor Relations Board have revealed that from August 1947 to October 1951, 46,119 union shop authorization polls were conducted in which 44,795 union shop agreements were authorized, or 97.1 per cent of the total or nearly 90 per cent of the total union labor vote in favor.<sup>23</sup> These polls did not have any particular effect in the states which outlawed such agreements, but they pointed out that a considerable number of union members

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<sup>21</sup> Actually the individual's obligation is terminated if he tenders union dues. See *union Starch and Refining Co. vs. NLRB* 342 U. S. 815 (1951).

<sup>22</sup> "Union Security Amendments," Monthly Labor Review, Dec. 1951, 73:682.

<sup>23</sup> "The Case Against the 'Right to Work' Laws," Union Security, published by the AFL-CIO, 1958.

avored the union shop agreement.

Unions have desired security provisions within their contracts for several reasons. First, membership has been stabilized; subsequently, a steady flow of funds into the organization has assisted in stabilizing union finances. Secondly, inter-union raids and attacks have been reduced because of the degree of security and stability established by these agreements. Third, protection from either company dominated union or non-union competition has been substantially enhanced. Protection has also been achieved from the diluting effect of normal worker turnover and expansion with these provisions. Finally, union security agreements have guaranteed that the employer accepts the status of the union as the bargaining representative of the employees, which has improved the future of the unions considerably.

The point of the preceding discussion has not been to determine the validity or the desirability of either the union security devices or the laws which have outlawed or restricted these devices. Instead, the purpose was to exemplify the elements of union security which have been affected previously and which could be altered in the future as well as to point out the union arguments for union security.

Survey Results on Union Security. From the standpoint of the Kansas "right to work" law, the questionnaire survey was conducted to attempt to evaluate feelings of the union leaders in the state concerning the impact of the law on all the preceding areas of union security. Other areas, such as membership, wages and benefits, and job availability, were also investigated by the questionnaire to further establish a basis for the effect which the "right to work" law has had on union security. Table 4 shows the results

Table 4. Survey results on union security.

Question	Craft		Industrial	
	% Yes	No Answer	% Yes	No Answer
Can you effectively deal with non-union groups working in your area?	14.8	65.9	17.2	44.8
Do you feel there are adequate enforcement provisions in the "law"?	40.8	35.3	38.0	17.3
		23.9		44.7

of the responses to the questionnaire with regard to questions on union security.

The first question deals with the area of non-union competition. As was mentioned previously, the "right to work" law eliminated much of the protection from non-union competition by outlawing specific types of union security agreements. This holds implications for the local unions when they must tolerate non-union groups in their areas. In the opinion of the local union officials, the craft group could not deal effectively with these non-union groups which indicates that the "right to work" could have affected them in this area. The enforcement-provision question was inserted to check the degree of apprehensiveness toward attempting to gain security without violating the law. Both groups felt the enforcement provisions were adequate, but in neither group was it apparent that the "right to work" limited their quest for additional security.<sup>24</sup>

Further possible effects on union security can be investigated through the examination of other areas which are vital to the union. Since the areas of wages, membership, relative bargaining strength and union security are interrelated, the development of influence on one area will, to a certain degree, affect the other areas.

#### Membership

Another area which could conceivably be affected by the voluntary unionism concept is membership. Since the individual worker in Kansas

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<sup>24</sup> In the process of enforcement, temporary relief from a violator's actions (such as a union requiring membership following hiring of an applicant) is obtained through a temporary injunction granted by the appropriate district court. Permanent relief requires a trial before a similar Kansas court.



cannot supposedly be required to join a labor organization following employment, union membership could be adversely affected. In comparison, under the compulsory arrangement union membership is directly related to the number of workers employed, since employment is contingent upon union membership whether it is the closed shop or union shop arrangement.

A further effect on union membership occurred when the U. S. Supreme Court ruled on December 2, 1963 that the states with "right to work" laws are permitted to ban another form of union security -- the agency shop agreement.<sup>25</sup> This decision restricted not only another form of union security, but it also eliminated a source of funds for the unions within the "right to work" states, since the agency shop agreement required the payment of a fee to the union by non-union members. Therefore, it has been seen that the "right to work" law can directly affect membership and dues through the outlawing of the major union security agreements.

AFL-CIO Membership in Kansas. According to the Bureau of Labor Statistics, Kansas AFL-CIO membership in 1958 was an estimated 150,000, of a national total AFL-CIO membership of 13.3 million.<sup>26</sup> However, in 1960 the Kansas AFL-CIO membership, which was reported accounted for only 100,000 of the total AFL-CIO membership.<sup>27</sup> It should be noted that the significance

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<sup>25</sup> See *Schermerhorn vs. Retail Clerks International Association, Local 1625*, U. S. Supreme Court, 1963.

<sup>26</sup> "Directory of National and International Labor Unions in the U. S., 1959," Bureau of Labor Statistics Bulletin 1267, U. S. Department of Labor, p. 16.

<sup>27</sup> "Directory of National and International Labor Unions in the U. S., 1962," Bureau of Labor Statistics Bulletin 1320, U. S. Department of Labor, p. 16.

of such a reduction must be weighed, due to the fact that the figures were compiled from estimates returned by AFL-CIO officials at the state level. The figures, even though not the most accurate, would indicate a reduction in union membership in Kansas since passage of the "right to work" law.

Questionnaire Implications. The survey exemplified the fact that unions in Kansas were losing members with the "right to work" law as one possible causal agent.<sup>28</sup> Table 5 was used to illustrate the distribution of the results obtained from the union officials with regard to membership in 1958 as opposed to membership in 1963.

Referring to Table 5, it can be seen that the craft union's decline in membership was practically negligible. The total percentile reduction was 0.75 per cent of the 1958 membership. On the other hand, the industrial union aspect did not appear as bright. Using 1958 as the base, a 21.6 per cent decrease in membership was found for the industrial unions which were surveyed.

The implications of the results of the survey point out that a significant decline in union membership occurred within the industrial union group. This decline in membership integrated with the decrease in Kansas AFL-CIO membership for the period shown by the BLS exemplifies the fact that union membership was generally declining after 1958. Therefore, it seems reasonable that the "right to work" could be a factor concerning a

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<sup>28</sup> Automation and other factors also contributed. In addition to "right to work", automation was mentioned most frequently in the responses.

decline in union membership; however, increased industrial automation and plant shutdown would reduce the number also. Consequently, a definite cause cannot be determined and the only accurate conclusion which can be made is that several factors are responsible for the decline.

Table 5. Distribution of local unions by size of membership for 1958 and 1963.\*

Classification Interval	No. of members		Net Change
	1958	1963	
<u>Craft</u>			
under 25	202	206	+4
25-50	250	563	+313
50-75	892	342	-550
75-100	414	439	+25
100-125	220	106	-114
125-150	130	270	+140
150-175	644	472	-172
175-200	0	363	+363
200-225	200	419	+219
225-250	0	235	+235
over 250	11,800	11,227	-573
Total	14,752	14,642	-110
<u>Industrial</u>			
under 25	28	88	+60
25-50	126	148	+22
50-75	168	52	-116
75-100	77	261	+184
100-125	115	114	-1
125-150	0	138	+138
150-175	305	160	-145
175-200	180	0	-180
200-225	400	200	-200
225-250	0	225	+225
over 250	5,480	4,009	-1,471
Total	6,879	5,395	-1,484

\* Sources: Mail questionnaire responses.

Age Composition of Surveyed Unions. The survey tends to point out that future decreases may become a factor, primarily because of the age composition of the unions' members. Table 6 shows the age composition of the union membership in the locals which responded to the questionnaire.

Table 6. Age composition of unions involved in the survey.

Per cent of membership over	No. of locals in		Change
	1958	1963	
30 years old			
<u>Craft</u>			
0-10			
10-20			
20-30	1	3	+2
30-40	1	1	0
40-50	8	6	-2
50-60	10	8	-2
60-70	1	3	+2
70-80	14	12	-2
80-90	24	18	-6
90-100	6	16	+10
No Answer	23	21	-
<u>Industrial</u>			
0-10			
10-20			
20-30			
30-40	1	1	0
40-50	1	0	-1
50-60	5	2	-3
60-70	3	4	+1
70-80	5	5	0
80-90	3	3	0
90-100	2	7	+5
No Answer	9	7	-

The table points out that the percentage of the total membership over 30 years of age of both the craft and industrial unions has increased since 1958. This could mean the unions are not gaining younger members which may have grave consequences in the future. Failure to attract new members through organizing efforts would suggest that the unions could not maintain union membership with normal turnover and attrition. Since the survey indicated that the age composition had shifted to a higher percentage of older members, some evidence exists as to the union's problems in obtaining these younger members. Therefore, since the survey covered only the period following passage of the "right to work" law, it seems reasonable to conclude that this law may be a detriment to this phase of union membership.

Length of Union Membership. One factor has a corrective force on the implications of a generally larger percentage of older members. This factor involves the average number of years a man or woman remains a member of a particular union. Table 7 illustrates the average length of time a member remains active in the surveyed craft and industrial unions. The table points out that the majority of the individuals in the locals have remained members for a substantial length of time which has somewhat of an offsetting effect on the rising percentage of older members.

#### Wages and Benefits

Many arguments have been presented by the advocates and the opponents of "right to work" legislation. One factor, which both groups have consistently used to establish their points of view, has been wages and

Table 7. Average number of years of union membership for the unions covered in the survey.

Average No. of Years of Union Membership	:	Per Cent of Craft Membership	:	Per Cent of Industrial Membership
1-5	:	4.5	:	10.4
5-10	:	14.8	:	10.4
over 10	:	72.7	:	68.8

benefits of not only the union membership within the "right to work" areas, but also the entire working group in these areas. Proponents of the laws have injected the statement that the "right to work" laws stimulate the economy; however, the opponents have countered with facts and figures to refute the pro arguments. Therefore, in order to obtain a realistic view of the situation, facts from unbiased governmental agencies have been compiled. Persistent comparison of the general economic factors of the "right to work" states with the "non right to work" states must be done with reserve, since most of the "right to work" states usually lag the other states because of the geographical areas involved and the imbalance in the amount of industrial and skilled work between states. The "right to work" states, excluding Indiana, are either Southern, Plains or South-west states, none of which are noted for a significant amount of non-agricultural industry, except for Texas.

Comparative Wage Analysis. For a comparison of the U. S. average wages, and "right to work" states wages, with a separation of Kansas wages, Table 8 has been prepared.

Table 8. Hourly wages in manufacturing: U. S. average, nineteen "right to work" states and Kansas.\*

Year	U. S. Average	Nineteen State Average	Kansas
1950	\$1.47	\$1.26	\$1.43
1952	1.67	1.44	1.68
1954	1.81	1.57	1.88
1955	1.98	1.74	2.02
1956	2.11	1.90	2.21
1957	2.26	2.02	2.36
1958	2.39	2.10	2.52

\* Sources: Milton J. Nadworny, "Impact of 'Right to Work' Laws," Challenge, April 1963, p. 3.

"Estimated Hours and Earnings of Production Workers in Manufacturing, Mining and Contract Construction in Kansas, 1954-1964," Hours and Earnings, Research and Statistics Dept. - Employment Security Division, Kansas Dept. of Labor, Topeka, Kansas.

While the "right to work" states averaged \$0.21 to \$0.29 per hour less than the U. S. Average, Kansas has gradually widened the gap between the "right to work" averages from \$0.11 to \$0.42 per hour. Likewise, Kansas wages in this field have pulled away from \$0.04 per hour less than the U. S. Average in 1950 to \$0.13 per hour in excess of the national average. However, it should be pointed out that the U. S. Average includes the generally lower averages of the twenty "right to work" states which would reduce the national average to some degree. A further more detailed analysis of Kansas wages, in particular, is needed to formulate any conclusions in the area of wages.

Trend Analysis of Kansas Wages. An analysis of Kansas wages, segregated into the fields of manufacturing, mining and contract construction was conducted to further emphasize any effect the "right to work" law has on these factors. Manufacturing, mining and contract construction appeared to be most representative of the type of employment engaged in by a majority of Kansas labor unions.

First, monthly data were obtained for the years 1947, 1948 and 1949 on the average weekly wages within the three fields of endeavor and the composite annual weekly average was found for the three year period in each field. The averages were \$50.98 for manufacturing, \$64.90 for mining and \$52.15 for contract construction. These averages were equated to 100.0 per cent which established a base of 1947-1949 for the annual average weekly wages.<sup>29</sup> Following this procedure, the statistics shown in Table 9 were compiled to be used for comparative purposes as well as for establishment of the wage indices for the period.

Table 9 was prepared with current dollar wage figures for each particular year; therefore, they have not been adjusted in any manner. Using the data presented, it can be seen that average weekly wages have increased more in the period after 1958 when the "right to work" law was

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<sup>29</sup> Sources: Ibid., 1949.

"Nonagricultural Average Weekly Wages," Kansas Labor and Industrial Bulletin, State of Kansas, Dept. of Labor, March-December 1947, vol. 17, nos. 3-12, 6 p.

"Nonagricultural Average Weekly Wages," Kansas Labor and Industrial Bulletin, State of Kansas, Dept. of Labor, January-December 1948, vol. 18, nos. 1-12, 6 p.

"Nonagricultural Average Weekly Wages," Kansas Labor and Industrial Bulletin, State of Kansas, Dept. of Labor, January-March 1949, vol. 19, nos. 1-3, 6 p.



Table 9. Annual average weekly earnings in Kansas for manufacturing, mining and construction. 1954-1964.\*

Year	All Manufacturing	Mining	Contract Construction
1954	\$ 78.47	\$ 87.14	\$ 83.10
1955	80.81	87.77	85.61
1956	84.42	94.07	91.03
1957	88.29	96.07	91.92
1958	91.31	97.13	96.39
1959	93.72	100.14	100.23
1960	95.82	98.79	105.18
1961	99.73	103.16	106.09
1962	105.54	106.30	113.94
1963	107.47	108.47	115.96

\* Sources: "Estimated Hours and Earnings of Production Workers in Manufacturing, Mining and Contract Construction in Kansas, 1954-1964," Hours and Earnings, Research and Statistics Dept. - Employment Security Division, Kansas Dept. of Labor, Topeka, Kansas.

passed than before.<sup>30</sup> Precisely, the wage increase for manufacturing involved a 17.7 per cent increase from 1959-1963 as compared to 16.4 per cent from 1954-1959. A 12.7 per cent increase from 1959-1963 versus an increase of 11.5 per cent from 1954-1959 was found for mining. Construction wages

<sup>30</sup> The degree of industrialization has also increased during this period which could also contribute to rising wages.

increased 20.3 per cent from 1959-1963 compared to only a 15.9 per cent increase from 1954-1959.

To illustrate this fact, the wage index calculations were compiled for Table 10 and illustrated in Fig. 1.

Table 10. Annual average weekly wages indices for manufacturing, mining and construction in Kansas. 1954-1964 with consumer price index (all on 1947-1949 base).\*

Year	All Manufacturing	Mining	Contract Construction	Consumer Price Index
1954	153.9	134.3	159.3	114.8
1955	158.5	135.2	164.1	114.5
1956	165.5	144.9	174.5	116.2
1957	173.1	148.0	176.2	120.2
1958	179.1	149.7	184.8	123.5
1959	183.8	154.3	192.1	124.5
1960	187.9	152.2	201.6	126.5
1961	195.6	158.9	203.4	127.9
1962	207.0	163.7	218.4	128.8
1963	210.8	167.1	222.3	130.1

Index numbers were computed by determining the 3 year 1947, 1948 and 1949 average of the wages and equating it to 100.0, then computing the percentage change for the yearly averages for the years shown.

\*Sources: "Consumer Price Index," Monthly Labor Review, December 1961, 84:1422.

"Consumer Price Index," Federal Reserve Bulletin No. 6, June 1963, Board of Governors of Federal Reserve, 49:850.

"Consumer Price Index," Federal Reserve Bulletin No. 12, December 1963, Board of Governors of Federal Reserve, 49:1716.

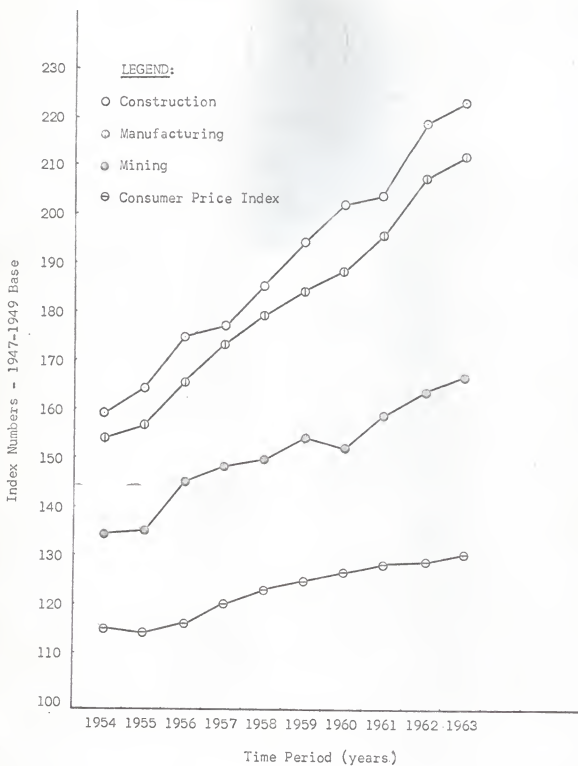


Fig. 1

Using Table 10 compared with Fig. 1, it is apparent that the Kansas wage levels have not been negatively affected; in fact, all three areas show a slightly steeper rise from 1959-1963 than from 1954-1959. No definite downward breaks occurred in the representation, following the passage of the "right to work", except in 1960 and 1961 for mining. However, this slight decline was more than recovered the following year. Since the wage index was computed on a 1947-1949 base, the Consumer Price Index can be plotted for the same period to illustrate the net rise of wages over the cost of living. It was assumed that the wage index was comparable to the Consumer Price Index within this period and that the Consumer Price Index was representative of the cost of living for Kansas wage earners.<sup>31</sup>

The overall percentile increase in the wage indices for the three industries were: 37.0 per cent for manufacturing, 24.4 per cent for mining and 39.5 per cent for contract construction. However, the Consumer Price Index rose only 13.3 per cent over the ten-year period. This further illustrates that wages have not been negatively influenced by the "right to work" particularly with respect to the cost of living.

The labor union response to questions about the "right to work" law's effect on wages yielded the following results: in the opinions of the craft group, 42.0 per cent thought the law had affected wages while 53.5 per cent claimed that it had no effect. In the industrial group, 34.5 per cent felt the law had affected their wages while 48.5 per cent had the opposite view

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<sup>31</sup> Consumer Price Index was extended back to a 1947-1949 base for the years 1960-1963 as these years were presented on a 1957-1959 base which was inconsistent with the remainder of the data.

and the remainder had no answer. When the groups were questioned as to whether their wages would have been higher without the law, the craft and industrial groups both split on the issue.

When the union officials were asked if any "difficulty in bargaining" had occurred since 1958, the responses were exactly 50 per cent affirmative and 50 per cent negative. Further questions about the degree of difficulty encountered revealed that nearly one half of the officials felt the resistance in bargaining had remained the same. Since several other factors, such as an aversion for a particular union position and general economic conditions could increase the resistance to bargaining and the uncertainty reported in the survey, no definite conclusion can be made with respect to the "right to work" law's influence on wage negotiations. In addition it must be remembered that the wage-trend analysis excludes the question of what the wages might have been without the "right to work" law. However, a leading authority on the "right to work" issue, Professor Frederic Meyers of the University of Texas, states, "It is virtually impossible to measure the precise effect of these laws on a union organization, for no one can know what would have happened if another statutory environment had existed."<sup>32</sup> Therefore, the data presented was not meant to exactly determine the degree of wage improvement with or without the law; rather, the analysis was to show that wages did improve after the passage of the statute. In fact, the overall improvement in wages was greater after 1958 than in the previous

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<sup>32</sup> Frederic Meyers, "Effects of 'Right to Work' Laws: A study of the Texas Act," Industrial and Labor Review, October 1955, 9:77.

five years. Whether this improvement was greater or less than it might have been without the law, one cannot state with certainty but the fact remains that an improvement did occur. Consequently, it can be concluded that the wages in Kansas manufacturing, mining and contract construction have improved in the five years following passage of the "right to work" law to a greater extent than in the five years preceding the law. These wages have gradually improved over the "right to work" state average and the U. S. average. Likewise, the gap between the cost of living and wages has improved over periods studied previously. Consequently, it appears that "right to work" had had no negative effect on wages in Kansas manufacturing, mining and construction.

#### Job Availability

The final aspect to be considered within the realm of the major implications of the "right to work" involves the availability of employment opportunities for the union members before and after the passage of the statute. Before the analysis is formulated, it should be remembered that generally the working territory of the craft union is much less restricted than that of the industrial union. The implications which are evident from this involve the ease of entry for non-union workers into the craft work areas rather than into the areas which are predominantly industrial by nature.

Statistical Analysis of Kansas Employment. In order to develop an analysis within the aspect of job availability, it was necessary to first investigate the total employment picture in Kansas over a span of time. Such an investigation was conducted to determine whether employment growth had

improved the overall job availability within the State. Table 11 illustrates this information.

Table 11. Kansas employment in manufacturing, mining and contract construction from 1952-1962.\*

Year	Manufac- turing (000's)	Per Cent Change in Manufac.	Mining (000's)	Per Cent Change in Mining	Contract Construct. (000's)	Per Cent Change Constr.
1952	135.7		18.9		37.2	
1953	137.9	+1.6	18.5	-2.1	34.7	-7.2
1954	133.0	-3.7	18.4	-0.5	36.1	+4.0
1955	126.2	-5.4	19.0	+3.3	38.5	+6.6
1956	124.3	-1.6	19.3	+1.6	38.3	-0.5
1957	128.3	+3.3	18.5	-4.2	33.6	-14.0
1958	119.7	-7.1	18.2	-1.6	35.9	+6.8
1959	120.0	+0.2	18.3	-0.5	36.4	-1.4
1960	116.0	-3.4	17.0	+3.8	33.9	-7.4
1961	114.0	-1.8	16.2	-4.9	34.6	+2.1
1962	116.6	+2.3	15.6	-3.8	37.4	+8.1

\*Sources: "Employment and Earnings, 1952-1957," Bureau of Labor Statistics Annual Supplement, July 1958, U. S. Dept. of Labor, 5:88.

"Employment and Earnings, 1957-1962," Bureau of Labor Statistics Annual Supplement, June 1962, U. S. Dept. of Labor, 8:98.

It can be seen through the use of Table 11 that employment in manufacturing and mining has decreased in the aggregate of approximately 16 per cent and 21 per cent, respectively. Construction, on the other hand, dropped to a low

of 33,600 in 1957, but has recovered several times and in the early 1960's has had an upward trend. Scattered figures for 1963 indicate levels of employment for the construction industry exceed those established in 1962. However, total employment in the three areas has declined from 1952 to 1962, a total of 13.1 per cent. Since the areas, which were analyzed, were selected because of their representation of a major portion of the AFL-CIO union employment, it is important to note that total in the three areas declined before and after the passage of the "right to work" law. Consequently, employment declines as shown in the table have implied that job availability throughout Kansas has been reduced in the period. However, it is doubtful that the "right to work" was the primary factor which contributed to the decline primarily because recessive cyclical fluctuations occurred in 1957 and 1961.

Questionnaire Analysis of Job Availability. The decline of job availability within the state is emphasized by the responses of the mail survey. The survey opinions revealed that the "right to work" law was a possible causal agent. Table 12 shows the results of the survey with regard to questions on job availability.

It can be seen from an analysis of Table 12 that a major portion of both groups replied that the "right to work" statute was a probable cause of the reduced job availability for union members. The craft union officials seemed to feel they were experiencing reduced employment and it was their opinion that the "right to work" could be causing the decline. This again could be attributed to an increase in non-union competition in the craft territories which could reduce the job opportunities if the union craftsmen



Table 12. Survey results on job availability.

Question	Craft Job Availability		Industrial Job Availability		%
	Increased	Decreased	Increased	Decreased	
Do you think the number of jobs available to your members has been affected?	0.0	58.0	0.0	27.0	14.0
		35.0		59.0	
		7.0			
Question	Yes	No	Yes	No	No Answer
Could the right to work be responsible for any decrease?	66	15	45	21	34
		19			

were more highly paid than the non-union men. With regard to the industrial group, increased automation could reduce the number of jobs available just as much as any factor.

#### SECONDARY IMPLICATIONS

The subjects under consideration within this section have been classified as secondary merely for the sake of classification. Any one of the areas has certainly constituted a major problem for some local unions at one time or another in the history of Kansas labor union development.

#### Organizing Efforts

In order for unions to survive they should have a constant revitalization which involves the induction of new members into the organization. Legislation, which can either affect the attitude of individuals toward unions or restrict the requirements for membership, may eventually have an adverse influence on the organization. Such legislation includes the laws of voluntary unionism.

Considerable difficulty has been encountered by the Kansas unions involved in the mail survey with regard to organizing efforts. A term, which arose frequently throughout the responses, was "free rider". In union language, the "free rider" has been defined as an individual who does not join a labor organization, but enjoys the benefits obtained through the labor organization's collective bargaining efforts. In the survey, over 20 per cent of the responses commented on the undesirability of "free riders". They mentioned that the number of "free riders" had increased significantly

since the ban on the union shop agreement, although no facts accompanied the accusations.

Two additional factors were discovered by the questionnaire and reported by the union officials. Table 13 illustrates the results of the survey concerning these factors with respect to the apathetic feelings of new members and the willingness of new industries to recognize the unions since the "right to work".

Table 13. Survey results on the effects of the "right to work" on organizing efforts.

Question	Craft Responses			Industrial Responses		
	(%)			(%)		
	Yes	No	No Answer	Yes	No	No Answer
Have new members developed more apathetic feelings toward union membership since the "right to work"?	69.2	22.8	8.0	65.5	24.0	10.5
Have new industries or employers been as willing to recognize unions in your area since the "right to work" was passed?	12.5	70.5	17.0	27.6	58.6	13.8

A majority of the responses expressed opinions that a large portion of the new members of their locals had developed a lack of interest in unions since the "right to work". This has particular consequences for the overall organizing effort. A new union member who has developed an apathetic

feeling toward his union probably would not be effective in "selling" unionism to prospective members. Therefore, according to the survey responses, the "right to work" could be blamed for this feeling among their new members. This is essentially the case for weak unions; but the strong unions appear to become more responsive as a result of the increased realization of the need for membership which the "right to work" law has stim-

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ulated.

Table 13 points out an additional facet of the organizing effort which may be caused by the law. This involved the reluctance of new employers to recognize the unions especially within the craft ranks. Since the crafts usually must deal with a larger number of employers, a reluctance on the part of these employers to recognize the unions could mean that cheaper non-union labor is available and competing with the unions.

#### Individual Rights

It can be argued that "right to work" statutes also deprives individual rights and consequently collective rights by prohibiting certain types of union security agreements. If the majority of the employees, of their own free will, desire a union shop or an agency shop agreement, they are denied their collective rights by the "right to work", even if the employer concurs to the agreement. Therefore, while the "right to work" grants certain rights to the individual worker, it may at the same time restrict the rights, both individually and collectively of the union members

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33 "Right to Work' Laws", Time, November 24, 1958, 72:88.

within the state.<sup>34</sup>

The survey essentially conveyed this idea through the following results: 64.7 per cent of the craft group felt individual rights were adversely affected by the "right to work", 28.4 per cent answered to the opposite and 6.9 per cent had no answer. The industrial group had 51.6 per cent with rights adversely affected, 27.6 per cent felt their rights were not affected while 20.8 per cent had no answer. Therefore, it has been shown that the "right to work" is a possible influence on the relative rights of union members in Kansas. Both craft and industrial opinions from the survey indicated the law had affected the individual rights of the members with the craft group expressing the highest degree of effect.

#### Job Security

The security of a union member's job usually is not substantially affected by the "right to work" concept except in certain cases. Most notable of the circumstances develops when there is an increased intrusion of lower paid non-union workers on the operating area of the union. This situation generally arises within the craft areas primarily because of the lack of overall worker control within their operating regions. Since infiltration of non-union workers is considerably easier under the "right to work" circumstances, a large increase in these workers with their lower wages will have an adverse effect on the more highly paid union craftsmen's jobs.

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<sup>34</sup> Cohen, op. cit., p. 246.

The Kansas local unions essentially substantiated this idea when 61.4 per cent of the craft unions replied that the "right to work" had adversely affected their job security and 32.9 per cent replied the law had no effect while 5.7 per cent had no answer. The industrial group felt they were affected considerably less, as 34.5 per cent claimed unfavorable effects, 37.9 per cent felt the law had not affected them and 27.6 per cent had no answer. It can be seen from the above data that craft union officials felt they have been adversely affected by the "right to work" law with respect to job security; however, in the opinion of the industrial officials they were not affected greatly in this area.

#### Productivity

Yielding continuously higher results for an equal or smaller amount of effort is a product of several factors. In consideration of productivity in conjunction with labor, the principal aspect involved is usually human motivation. Constant exposure to blockages of the routes to individual goals frequently leads to a suppressed frame of mind which can adversely affect the driving force within the individual. Barriers to goals in regard to union membership consist of: (1) supporting others through union activities without their assistance; (2) constant harassment of the security of an individual's job; and (3) reduction of assistance and association within the labor organization.

It has been seen in previous sections that the three areas mentioned above may have been adversely affected by the "right to work" law as shown by the survey results. Therefore, it might be expected that productivity could be reduced somewhat, due to the effect on the individual's drive.

However, the survey does not substantiate this hypothesis because of the following results: 30.7 per cent of the craft group felt the "right to work" had adversely influenced productivity while 60.2 per cent replied it had not and 9.1 per cent had no answer; 17.3 per cent of the industrial group claimed productivity was affected, but 48.3 per cent felt it had not, while 27.6 per cent had no answer. However, admitting that productivity had been reduced significantly would not only be difficult to accurately determine, but it would be even more difficult to reveal the fact. On the surface, productivity does not seem to have been unfavorably affected by the "right to work" issue from the results expressed by the surveyed union officials.

#### CONCLUSIONS

It was the purpose of this report to investigate the effects of "right to work" legislation on Kansas Local unions in craft occupations as well as in the selected industrial fields as viewed by state AFL-CIO union officials.

The procedure of this author has been to analyze the major areas of union activity through the formulation of a statistical basis and to further substantiate the analysis with a mail survey of the affiliated AFL-CIO local unions which have jurisdiction within the State of Kansas.

As a result of this analysis, it was found that several areas have been affected by the "right to work" legislation. A difference in the degree of influence was found in certain areas between the craft-oriented unions and industrial-oriented unions which responded to the survey. The

responding craft union officials felt they were influenced more than industrial groups by:

1. encounters with non-union groups
2. reduction in the number of jobs available
3. apparent increases in the apathetic feelings of new members toward unions
4. a feeling of reduced individual and collective rights
5. a sense of reduced job security

On the other hand, the responding industrial group seemed to have experienced more of a reduction in membership than the craft unions during the period of study.

According to the survey responses, several areas of union activity seem to have been partially affected by the "right to work" law. The most definite conclusion is the direct influence of "right to work" laws on union security agreements. As has been mentioned, these statutes conclusively outlaw union shop and agency shop agreements. With the restriction on union security agreements, the relative rights of some union members could be reduced. Restriction of these rights occurs when a majority of the workers desire a compulsory-membership contract, but are denied satisfaction by the stipulations within the "right to work" clauses. Nearly 55 per cent of the surveyed officials thought their member's individual rights had been reduced.

This report shows that AFL-CIO membership has declined in Kansas since 1958. However, due to the influence of either automation or plant shutdown, it cannot be definitely concluded that the "right to work" was the major cause of the reduction. Concern over this aspect has increased primarily because of the future problem of maintaining union membership with normal turnover and attrition.



Through statistical analysis of both wage trends and wage indices, it was seen that Kansas wages have not been negatively affected in the period after 1958 for mining, manufacturing and contract construction. In addition, approximately fifty per cent of the responding union officials felt the "right to work" was not an influence on wages.

Kansas employment in the three heavily unionized areas of mining, manufacturing and construction has declined since the passage of the "right to work" in all areas except construction. Nearly fifty per cent of the union leaders stated that the "right to work" could be a causal factor in reduced job availability.

The survey indicates reduced effectiveness of organizing efforts because of an alleged increase in apathy on the part of new members toward union membership and an increased reluctance of new industries and employers to recognize the unions since 1958. It seems reasonable to conclude that ineffective organizing efforts, regardless of the cause, could have serious consequences for the unions in the future.

Union leaders involved in the survey believed the "right to work" had some effect in the previously mentioned areas, although according to the analysis of the responses the concept of "right to work" in Kansas cannot be completely credited with full responsibility for influencing union activity. Presently, the fears of the "right to work" by the union leaders in Kansas which responded to the survey have not been fully realized.

## ACKNOWLEDGMENT

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## APPENDIX

## Questionnaire on the Effects of Right to Work on Kansas Labor Unions

1. Is your local \_\_\_\_\_ a craft union? \_\_\_\_\_ an industrial union?
2. What was the total membership of your local \_\_\_\_\_ 1958 \_\_\_\_\_ 1963?
3. What was the age composition of your local \_\_\_\_\_ % over 30 in 1958  
(estimate if necessary) \_\_\_\_\_ % over 30 in 1963
4. What percentage of your members are male \_\_\_\_\_ or female \_\_\_\_\_?
5. What is the average number of years a man remains a member of your local? \_\_\_\_\_ less than one year, \_\_\_\_\_ 1-5 years, \_\_\_\_\_ 5-10 years  
\_\_\_\_\_ over 10 years
6. Have your member's wages been affected by the Kansas "Right to Work" law? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Would your rate have been higher without the law? \_\_\_\_\_ Yes \_\_\_\_\_ No
7. Have you had any serious difficulty in bargaining for wages or benefits since the passage of the law? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Have these difficulties become \_\_\_\_\_ more intense \_\_\_\_\_ less intense or \_\_\_\_\_ remained the same, since the law was passed?
8. Do you think the number of jobs available to your members has been affected? \_\_\_\_\_ increased \_\_\_\_\_ decreased \_\_\_\_\_ no effect  
Could the "Right to Work" be responsible for any decrease? \_\_\_\_\_ Yes \_\_\_\_\_ No
9. Has the "Right to Work" adversely affected your member's:
  - A. Job Security \_\_\_\_\_ Yes \_\_\_\_\_ No
  - B. Working Standards \_\_\_\_\_ Yes \_\_\_\_\_ No
  - C. Productivity \_\_\_\_\_ Yes \_\_\_\_\_ No
  - D. Individual Rights \_\_\_\_\_ Yes \_\_\_\_\_ No

Have new members developed more apathetic feelings toward union membership, since the "Right to Work"? \_\_\_\_\_ Yes \_\_\_\_\_ No

Have new industries or other new employers been as willing to recognize unions in your area since the "Right to Work" has passed? \_\_\_\_\_ Yes \_\_\_\_\_ No

10. Can you effectively deal with non-union groups (of the same craft or industry) working in your area? \_\_\_\_\_ Yes \_\_\_\_\_ No

How have you dealt with them?

Do you feel there are adequate enforcement provisions in the "Right to Work" law? \_\_\_\_\_ Yes \_\_\_\_\_ No

11. General Comments:

What is your opinion of the "Right to Work" law?

Do you foresee any problems in this area for your local?

(Use this sheet to express any opinion you may have)

January 10, 1964

Dear Sir:

Enclosed with this letter is a questionnaire relating to your local and the Kansas "Right-to-Work" Law. Results of this questionnaire will be used for my Master's Report entitled, "Effects of Right to Work on Kansas Labor Unions". F. E. Black of Topeka was consulted on the contents of the questionnaire prior to sending them. The Report will be made available to Mr. Black's office upon its completion.

Please feel free to express any of your opinions on each of the questions or on the "Right-to-Work" law itself. Any comments which you make will be confidential and no names will be used in connection with the report. Your help is needed in order to obtain a true picture of this vital issue. Please return the completed questionnaire in the self-addressed return envelope. Thank you for your help.

Yours truly,

Larry C. Bennington  
1717 Leavenworth St.  
Manhattan, Kansas 66502



A STUDY OF THE EFFECTS OF THE  
'RIGHT TO WORK' ON KANSAS LOCAL UNIONS

by

LARRY C. BENNINGTON

B. S., Kansas State University, 1961

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AN ABSTRACT OF A MASTER'S REPORT

submitted in partial fulfillment of the

requirements for the degree

MASTER OF SCIENCE

College of Commerce

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

1964

The purpose of this report is to examine the effect of the Kansas "right to work" law on Kansas local unions through a survey of the opinions of the AFL-CIO union representatives within the State and through the presentation of pertinent facts involving selected areas of union activity.

Kansas enacted a "right to work" statute in 1958 in the form of a state constitutional amendment. The State of Kansas was the nineteenth state to pass this type of labor legislation; however, twenty "right to work" states exist at the present time.

A "right to work" law prohibits union shop and agency shop agreements between unions and management. In essence, the laws forbid any agreement which denies an individual the opportunity to obtain or retain employment because of membership or non-membership in any labor organization.

Union security has been affected by the Kansas law because it outlawed the union shop and agency shop agreements. The opinions received from the surveyed union officials indicated that craft unions had experienced some difficulty with non-union competition as a result of the union security restrictions.

AFL-CIO union membership has declined in Kansas since 1958. Restrictions on compulsory union agreements could cause a reduction in union membership provided new members are not obtained. However, it is difficult to determine that the "right to work" is a major cause.

Wages in Kansas manufacturing, mining and contract construction have risen more rapidly since 1958 than in the previous five years. Consequently, it appears from the data presented that wages in these heavily unionized areas have not been negatively affected by the law.

Availability of job opportunities could be reduced for union men if non-union competition increased and if a significant pay differentiation existed between the two. In the opinion of the responding union officials, craft unions seemed to be affected more in this area than the industrial unions because of the generally larger working territories and the lack of over-all worker control within these areas. Craft job security could be affected in a similar manner.

A general lack of interest by new members in unions as well as an increased reluctance on the part of employers to recognize unions was expressed by both the surveyed craft and industrial union officials. Union organizing efforts could be hampered in this regard; consequently, failure to maintain membership through their organizing efforts could impair the future of the labor organizations.

A voluntary unionism concept such as "right to work", grants rights to certain individuals but it can simultaneously reduce the relative rights of union members both individually and collectively by denying union security agreements to those desiring them.

It is the contention of this report that the Kansas "right to work" law cannot be held wholly accountable for adversely influencing union activity in the areas studied. In addition, it appears that the surveyed union officials have not realized labor's fear of the "right to work" law.