

Michigan Becomes 24th Right-to-Work State

Backlash against union power grab alters state's balance of power

By Steven J. Allen

Summary: *Michigan, the home of the United Auto Workers, now has a law guaranteeing a worker's right to choose whether to join, or pay dues to, a labor union. The law was passed after the failure of a union-backed constitutional amendment that would have given unions unprecedented power. Some are calling that amendment, known as Prop 2, "the unions' Afghanistan."*

Michigan has become the 24th state in the nation with a right-to-work law—that is, a law prohibiting workers from being fired for refusing to join or pay dues to a union. But a state representative told pro-union demonstrators that the fight for union power is far from over. "There will be blood!" he said.

A right-to-work law is a stunning development in Michigan, given that the state has the fifth highest rate of unionization: 17.5% compared to the national rate of 11.2%. Unions and their allies have almost destroyed the auto industry in Michigan and have nearly turned Detroit into a ghost town. For generations, union dues money, which is supposed to be used for the benefit of workers, has been funneled into Democratic Party political operations, regardless of the political views of union members.

Right-to-work in Michigan could change the state's balance of political



A pro-union demonstrator assaults Fox News contributor Steven Crowder.

power, and have a domino effect in other states.

A broken truce

Just a month prior to the passage of right-to-work on December 11, unions appeared to be on the verge of prohibiting Michigan from *ever* becoming a right-to-work state. They had placed Proposal 2, a constitutional amendment, on the November ballot—a measure that would have banned right-to-work laws, elevated union contracts over state law, and affected some 170 existing statutes. Unions spent \$23 million to promote Prop 2, but it failed by a 58-to-42 mar-

gin, even as President Obama carried the state. (For a full account, see last month's *Labor Watch*.)

As Prop 2 went down to defeat, a poll

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indicated that likely voters in Michigan favored right-to-work by 51% to 41%. And the unions had made a critical mistake: By making right-to-work the issue of a statewide vote, they had broken a truce that kept the right-to-work issue off the table.

Prior to the unions' campaign for Prop 2, Republican Governor Rick Snyder, a computer executive elected to office in 2010, had opposed bringing up right-to-work legislation. Right-to-work was considered an untouchable "third rail" issue in Michigan, and Snyder and the business community had a deal with the unions: Don't try to use your political muscle to push through something like Prop 2, and we won't try to enact right-to-work.

The unions broke that deal. They got Prop 2 on the ballot in Michigan and hoped to roll it across the country, passing similar measures in state after state as a way of reviving the labor union movement. One analyst characterized union leaders' attitude as: "Might as well try it. We certainly won't be *worse* off." They simply assumed they could break the deal and suffer no consequences, that Republicans in Lansing would roll over in the manner of post-Gingrich Republicans in Washington.

Editor: Steven J. Allen

Publisher: Terrence Scanlon

Address: 1513 16th Street, NW
Washington, DC 20036-1480

Phone: (202) 483-6900

Email: sallen@CapitalResearch.org

Website: CapitalResearch.org

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With the breaking of the truce, a landslide defeat of Prop 2, and a majority of voters supporting right-to-work, opponents of forced unionization saw an opportunity they might never see again. Right-to-work is almost entirely a partisan issue in Michigan, and Republicans had huge majorities—a margin of 64-46 in the state house and 26-12 in the state senate—plus control of the governor's office and the state supreme court. State legislative rules for a quorum required only a simple majority of those elected and serving, which meant that Democrats would not have the opportunity to stall votes by going into hiding, as happened during labor reform efforts in Wisconsin and Indiana.

Striking fast

As the legislature met in a lame duck session, GOP leaders moved quickly, catching unions off guard. Union strategists had convinced themselves that Governor Snyder and other Republican leaders lacked the gumption to rush right-to-work into law. Snyder had called the issue divisive and said he didn't want to bring it up—but that was before unions broke the truce.

On Tuesday, December 4, Republican leaders announced they would move the bill through the legislature. Two days later, as the bill was being considered, some 2,500 people filled the state Capitol, and protesters attempted to rush the floor of the state senate, which forced police to close the building to new visitors. Eight demonstrators were arrested.

Senate Minority Leader Gretchen Whitmer (D) threatened to wage procedural warfare and make Capitol life "as difficult as possible" if right-to-work legislation was pursued. "If they declare war on the middle class ... no

one should be surprised if the whole environment at the Capitol changes," said Whitmer.

After the state senate's preliminary vote for right-to-work, Majority Leader Randy Richardville (R) declared, "this is all about jobs for Michigan. We can't keep exporting our businesses." Governor Snyder said, "This is all about taking care of the hard-working workers in Michigan, being pro-worker and giving them freedom to make choices." He added, "The goal isn't to divide Michigan; it is to bring Michigan together."

But the Left was infuriated. Leftist filmmaker Michael Moore tweeted: "Still enraged by actions of Republican shock troops in the lame duck MI legislature yesterday. Revolt, anyone? . . . Repubs gerrymandered our state like political serial killers. . . . My production co is repped by 4 unions. I don't give a damn what illegal [s-word] the Repubs do in Lansing - I will not obey this law."

Arguments for the Michigan law

Right-to-work (RTW) supporters pointed out that—

► Between 1980 and 2011, total employment in RTW states grew 71%, compared to 32% in non-RTW states. Adjusted for inflation, compensation grew in the past decade by 12% in RTW states, versus 3% in non-RTW states.

► Population age 25-34 grew 11.3% in RTW states between 2000 and 2011, compared to 0.6% in non-RTW states.

► Since right-to-work passed in Indiana less than a year ago, the state has added 43,300 jobs, while Michigan has lost 7,300. Unions threatened retribution against Indiana Republicans for supporting the reform, but in the

subsequent election the GOP picked up nine seats.

► On CNBC's list of states ranked by business climate, nine of the top ten are RTW.

Vincent Vernuccio of the Mackinac Institute noted, "Right-to-work will not do anything to collective bargaining besides taking away unions' ability to get workers fired who do not pay them." The new law, he wrote, forces unions to "consistently earn member support" and "return labor to its best traditions of volunteerism and responsiveness to worker needs."

James Sherk of the Heritage Foundation wrote, "Employers want to know unions will leave them alone if they treat their employees well. Right to work gives them that assurance. Making dues voluntary reduces the financial incentives for unions to organize at companies where they have only moderate support. Even if they win, they cannot force reluctant workers to pay dues, which makes union organizers less aggressive. The number of union organizing drives falls 40 to 50 percent after states pass right-to-work laws."

Economist Arthur Laffer said that "This is the best thing Michigan could do for any economic rebound." Brian Pannebecker, a United Auto Workers (UAW) member and a spokesman for Michigan Freedom to Work, said, "If the unions are providing a valuable service to the workers, the workers should be allowed to decide whether they want to join and financially support" union activities.

Shikha Dalmia of *Reason* magazine reported that Michigan Republicans "regard this as the single biggest step that the state needs to take to break the chokehold of unions and bring

manufacturers back to the state. (Not a single foreign automaker, with the exception of a Mazda plant in Flat Rock that later got bought by Ford, has ever opened a factory in Michigan even though its highly trained auto workforce, one would think, gives it a natural advantage.)"

D-Day: The assault in Lansing
Michigan has a mandatory five-day delay for legislation passed by one chamber to go to the other chamber, which set the final vote for Tuesday, December 11, only a week after the initial announcement that the legislation would be brought forth. The day

Media bias in favor of forced unionization

In left-wing mythology, unions such as the United Auto Workers are responsible for the creation of the five-day and the 40-hour work week. In fact, both were instituted by Ford Motor Company almost a decade before the autoworkers' union was founded. Bob Beckel, who ran Walter Mondale's 1984 campaign for president, said on Fox News that unions created the weekend and the standard work week, and that right-to-work states are mostly "backward, yahoo, Southern states." (Actually, most RTW states are outside the South.) Asked whether union supporters must commit violence in response to violence committed long ago against union supporters, he said, "At some point maybe you do."

Comedian Jon Stewart, on whom many ULIVs—ultra-low-information voters—rely for political information, attacked right-to-work on his program, "The Daily Show." He declared that the term "right to work" is one of those phrases that means the opposite of its apparent meaning, such as "gentleman's club" for strip club, and he performed a rap song attacking the new law.

ABC News anchor Diane Sawyer, a strong supporter of President Obama, attacked the Michigan legislation as "an ominous signal for unions and worker paychecks everywhere."

NBC News anchor Brian Williams, another strong Obama supporter, painted an idealistic picture of unions: "More than almost anyplace else in this country, organized labor—unions—helped to make the state of Michigan an economic powerhouse for generations in this country. A union job in the Detroit auto industry was a ticket to the American middle class, a good salary, benefits package, a piece of the American Dream, a two-car garage, and college education for the kids."

Williams did not mention the utter collapse of the union-dominated City of Detroit, where empty lots cover an area larger than Paris. He did not mention the fact that Detroit, once the richest major city in America, is now the poorest, with household incomes half the national average; that Detroit in the first decade of this century lost 25% of its population, just behind the 29% drop in New Orleans after Katrina, leaving the city with barely a third of its 1950 population; that only 7% of eighth graders in Detroit public schools are at or above grade level in reading, and that the proportion at or above grade level in math are 4%; or that only 13% of people 25 and older have college degrees, compared to 29% nationally. Nor did he mention that sweetheart deals between unions and automakers (promising pensions and benefits that could never be paid), along with taxes and regulations created by unions' political allies, are what broke the back of General Motors and Chrysler. — SJA

before the vote, President Obama—stung by criticism that he failed to sufficiently support the attempted recall of Governor Scott Walker (R-Wisconsin) last summer—injected himself into the controversy by speaking at a rally at an auto plant in Detroit that was bailed out by taxpayers. “The so-called ‘right-to-work’ laws, they don’t have to do with economics, they have everything to do with politics,” Obama said. “What they’re really talking about is giving you the right to work for less money.”

On the day of the final vote, an estimated 12,000 pro-union protesters descended on the Capitol—a huge number, although a smaller turnout than expected. The protesters swarmed Governor Snyder’s office and destroyed a tent that had been erected by the free-market group Americans for Prosperity, while there were people inside the tent, including two people in wheelchairs. Then they assaulted Steven Crowder of Fox News and other journalists. When state police responded, protesters

called them scabs and blocked their progress through the crowd.

Protesters threatened violence, chanting “No justice, no peace!” They also chanted “Kill the bill!” (It should be noted that, when Tea Party protesters chanted “Kill the bill!” during congressional action on Obamacare, the national news media accused them of using a racial epithet.) Some protesters held printed signs that referred to Governor Snyder—a former chairman of the board of Gateway computers—with the rhyming phrase “The nerd is a t--d.” Four giant inflatable toy rats on the Capitol lawn were labeled with the names of Governor Snyder and other Republican leaders.

State Representative Doug Geiss, a Democrat from the Detroit area, said, “We’re going to pass something that will undo 100 years of labor relations, and there will be blood!”

Some 26,000 students missed school when members of the teachers’ union called in sick in order to join the protests. Taylor, Fitzgerald, and Warren Consolidated Schools closed due to teachers’ shortages. “By 8:00 a.m. today we had a total of over 750 staff call in absent, making our decision to close school a very smart and prudent one for the sake of our students,” wrote the superintendent of Warren schools in a letter to parents. Other schools remained open but canceled some classes. According to a report by WXYZ-TV, one mother, forced to take her children to work with her, said, “I am making this into a lesson. They are learning quite a bit more than they would in a single day of school. They are learning about politics.”

A harbinger of things to come?
From the announcement of the legisla-



As the Left sought to spark national outrage over Michigan’s passage of right-to-work, the Huffington Post asked readers for pictures of pro-union protests.

tion to its passage took about a week. One political analyst noted, “It looks like the Republicans are learning from the tactics of the Obama people. When you’ve got the votes and a once-in-a-lifetime chance to make a big change, just do it.”

The law, approved December 11, goes into effect in March. Existing contracts will be affected as they come up for renewal. The legislation in Michigan could have a devastating impact on unions’ forced-dues political power. Studies show that almost a quarter of union members would stop paying dues if they could. Theoretically, that would cost Michigan unions \$100 million to \$150 million a year. After Wisconsin allowed government employees to opt out of joining a union, membership in the state’s branch of the American Federation of State, County and Municipal Employees (AFSCME) fell 45% in the first month, the *Wall Street Journal* reported.

Right-to-work is “anathema to unions everywhere,” wrote Rich Lowry of *National Review*. “To say that such a development [in Michigan] is stunning is almost an understatement. Michigan is to unionization what Florida is to sand, Texas is to oil and Alaska is to grizzly bears. The union model hasn’t just been central to its economy, but to its very identity.”

Passage of right-to-work in Michigan represents a critical shift in what political analysts call the Overton Window. According to theory, only a narrow range of ideas are politically acceptable to most citizens, and so this “window” is more important in determining government policy than the views of individual political leaders. Ideas outside the window are too

“extreme” for a politician to support publicly and still win election or reelection. The degrees of acceptance are: unthinkable; radical; acceptable; sensible; popular; and policy. Sometimes ideas move from “unthinkable” to “policy,” or vice versa, in a generation or two. Other times, this movement occurs seemingly overnight. Right-to-work in Michigan is a policy that was unthinkable until the unions’ overreach with Prop 2.

In one sense, the Overton Window concept takes the fable of the emperor’s new clothes, and applies it to the study of political power. As Mark Mix of the National Right to Work Committee told the *Washington Examiner*’s Byron York: “People always say this is a really tough battle, you can’t win. Then one morning we woke up and guess what? We found out it wasn’t nearly as [tough] as we thought.”

Now supporters of economic growth hope that unions’ overreach on Prop 2, coupled with their loss on right-to-work in Indiana and their repeated failure to beat back reform efforts in Wisconsin, will prove to have powerful fallout for unions far beyond Michigan.

One analyst called it “the unions’ Afghanistan,” a reference to the failed invasion that heralded the collapse of the Soviet Empire. The Soviets’ power was based on intimidation, on their reputation as unbeatable. But there were limits to their power, including limits to the number of uprisings they could put down simultaneously. Once rebellion broke out all at once in countries around the globe, they couldn’t send the Red Army everywhere, and local surrogate forces turned their guns away from their own citizens and toward Moscow. Once people no

longer felt fear—once they started dancing on the Berlin Wall without getting shot—the Soviet Empire collapsed almost overnight.

If the unions can’t win in Wisconsin, and they can’t win in Michigan, they can be beaten anywhere. Their power is based on taking workers’ money and spending it on causes that workers don’t believe in and that are against the interests of workers. What happens once small business people and workers come to believe they can fight the unions—and win?

A final note: The concept of the Overton Window is named after its originator, Joseph Overton. At his untimely death in 2003, Overton was senior vice president of Michigan’s Mackinac Center for Public Policy. This year, the Mackinac Center provided much of the research that helped defeat Prop 2 and pass right-to-work in Michigan. Given the potential effect of developments in Michigan on the range of possibilities in American politics, what could have been more appropriate?

Dr. Steven J. Allen (JD, PhD) is editor of Labor Watch.

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**Terrence Scanlon
President**

LaborNotes

The **Pryor Cashman** law firm has been ordered to pay \$21,000 for filing a “frivolous” motion in the legal malpractice suit involving the “**Sandhogs**” embezzlement case. The firm is being sued for allegedly failing to notice something was amiss and take action while **Melissa King**, benefits consultant for the Laborers International Union of North America Local 147, stole \$47 million. In June, King received a six-year sentence for embezzling the money from the local, an elite construction unit known as “the Sandhogs” that digs **New York City**’s subway, sewer, and water tunnels. Although her compensation reached \$540,000 a year, that was apparently not enough to support King’s lifestyle—a \$2 million home in **Westchester County**, a summer home in **Maine**, and a \$25,000-a-month **Park Avenue** penthouse; \$32,000 for dog grooming and \$3 million on horses; a Porsche, a Land Rover, and two Mercedes; and a wine collection that included four cases of Château Lafite Rothschild. A 71-year-old Sandhog who lost his life savings was quoted by the **New York Daily News**: “I planned my life to be retired at 65. Now I get up every day at 3:30 in the morning . . . because of a thief.”

In **Mexico**, even left-wing members of that country’s Congress are frustrated with the privileges given union bosses (who, **USA Today** noted, “often lead lavish lifestyles”). Their privileges are fiercely protected by the union-dominated, notoriously corrupt **Institutional Revolutionary Party** (PRI), which returned to the presidency December 1. Union allies have blocked such proposed reforms as allowing outside audits of union financial records, allowing union members to see the contents of their contracts, requiring union leaders to consult members before calling strikes, requiring secret ballots for union elections, and ending “ghost unions” that organize work sites without workers’ consent. As U.S. unions become increasingly detached from the concerns and interests of workers, Mexico may offer a window into the future.

Remember those workers at a Jeep plant who were fired two years ago after a **Fox News** report showed their activities during lunch break? They were seen on video drinking from bottles in brown paper bags and smoking what appeared to be marijuana, which sparked outrage in the wake of the **Chrysler** bailout. Now they’re reportedly back on the job as the result of binding arbitration under the union contract. This shouldn’t come as a surprise, though. It was recently revealed that the union contract for teachers in **Bay City, Michigan**, allowed them to show up for work drunk five times or under the influence of drugs three times, or get caught selling drugs to students twice, before they could be fired.

The **California Federation of Teachers**, an affiliate of the **AFL-CIO**, recently released a video designed to explain the financial crisis and the evils of capitalism to children. Narrated by actor **Ed Asner**, the video—an eight-minute animation in the style of such educational cartoons as “Schoolhouse Rock”—features greedy rich people refusing to pay their fair share of taxes. At one point, as an illustration of “trickle down” economics, a rich man urinates on regular people. After a public outcry, the urination image was removed. Asner, by the way, supported leftist rebels in the **El Salvador** conflict, serves on the board of an organization named in honor of Soviet spies **Julius and Ethel Rosenberg**, and is a former union president (the **Screen Actors Guild**).

In case you’re wondering why the **Obama administration** seems intent on pursuing job-destroying policies, consider this comment from **General Electric CEO Jeff Immelt**, the head of the **President’s Council on Jobs and Competitiveness**, regarding **Communist China**: “The one thing that actually works, state run communism a bit—may not be your cup of tea, but their government works.” The current government of China has killed more of its own citizens than any other government in the history of the world. Immelt, by the way, is considered the father of the current incarnation of **MSNBC** as a pro-Obama propaganda channel.