

**Statement of John Kalb
Vice President, National Right to Work Committee
Pennsylvania House Labor Committee
On House Bill 950
April 25, 2023**

Mr. Chairman, members of the committee, my name is John Kalb. I'm Vice President of the National Right to Work Committee.

On behalf of our many members and supporters here in Pennsylvania, thank you for the opportunity to speak in opposition to House Bill 950, which would enshrine forced union dues in the Pennsylvania Constitution.

I know many people point to the economic benefits of Right to Work -- how Right to Work states outperform forced-dues states in job growth, and how real household income in Right to Work states is higher than forced unionism states like Pennsylvania.

So I'd like to focus on dispelling some arguments you're likely to hear from opponents.

As you know, right now in Pennsylvania hundreds of thousands of working men and women have no choice. Whether they are union members or not, they are forced to pay up or be fired from their jobs.

Common sense tells us that no private organization should have the right to take away an employee's livelihood for refusal to bankroll that organization.

Common sense also tells us that freedom is two-sided.

That's why the First Amendment bars Congress from prohibiting religious observance, and also bars Congress from forcing anyone to worship.

And common sense tells us the same principle should apply in labor law -- freedom to associate is meaningless without freedom not to associate.

But apologists for forced unionism claim that a worker who wants to join a union somehow isn't "truly" free to do so unless all of his coworkers have to pay up.

At different times, they offer several rationales for this opinion, but none of them withstand much scrutiny.

The first is to pose as advocates for management prerogatives. Employers should have the right to order employees to pay union dues without interference from the government, union officials insist.

Of course, when it comes to virtually any other government mandate on business, these same union bosses champion tight restrictions on employers' ability to make contracts with employees.

But when the subject becomes forcing workers to pay them, union officials shed crocodile tears for employers' "freedom of contract."

The fact is, since 1932, federal law has partially protected workers' freedom of choice by forbidding so-called "yellow dog" contracts that make non-union status a condition of employment in the private sector.

This government imposition on employers is supported by union officials and by most other Americans, including Right to Work supporters.

But union officials cannot then logically defend federal and state laws sanctioning contracts mandating forced payments to union bosses. In principle, these are the same as the illegal "yellow dog" contracts that Organized Labor opposes.

The second rationalization union officials give time and again is they are "forced" to represent non-members.

The first thing to bear in mind here is that contrary to union officials' claims, nothing in federal law prevents them from negotiating "members-only" contracts whose terms do not cover employees who choose not to join the union.

That's only the case when a union official seeks and obtains so-called "exclusive" bargaining power over a group of employees under federal law.

It's the union officials who choose to seek this power, and they can renounce it at any time.

I know what I'm saying here contradicts what many of you have heard.

So let me quote Dr. William Gould, who was appointed by former President Clinton to serve as Chairman of the National Labor Relations Board between 1994 and 1998, who said in his book Agenda for Reform, the law "permits 'members-only' bargaining without regard to majority rule or an appropriate unit and without regard to exclusivity."

So it's clear union officials are not forced to represent non-members.

The fact is, union officials actually like -- indeed insist upon -- having monopoly bargaining powers over all workers, and want to keep those privileges, even where they can't force non-members to pay dues.

The third common rationalization for forced unionism is based on the assumption that non-members working under a union contract "benefit" and should have to pay for it -- no matter what those workers think.

But there are many cases where individual workers are hurt by monopoly bargaining.

Even then-California Attorney General Kamala Harris admitted as much in a brief to the U.S. Supreme Court, saying, "Unions do have substantial latitude to advance bargaining positions that benefit the unit as a whole, even if those positions run counter to the economic interests of some employees."

I believe I've now shown why those rationalizations for compulsory unionism contradict established facts and are intellectually dishonest, uninformed, or both.

Ordinary Pennsylvanians don't buy them, and you shouldn't either.

But that's not the whole of the damage this bill will do -- in fact, by inventing a fundamental right to union monopoly bargaining for government-sector workers and placing it in the state's constitution, this amendment will create endless litigation as union officials attempt to thwart efforts to rein in the worst abuses of government union monopoly bargaining.

That's why today I strongly urge you to oppose House Bill 950 and instead work to end forced unionism in the Keystone State.