THE END RTW INSTITUTE NEWSLETTER

VOICES

America at 250

The Words That Shape the Debate

How right-to-work language influences public understanding

FROM THE EXECUTIVE DIRECTOR

Public policy is often decided twice: first in the words used to describe it, and later in the law itself. Few labor-policy phrases illustrate that point more clearly than “right to work.” The phrase sounds self-explanatory, yet the laws carrying that name address a specific question: whether a collective-bargaining agreement may require represented employees to pay union dues or fees as a condition of employment.

This issue of Voices does not ask readers to accept a slogan from either side. It asks us to slow the argument down. What does the law permit? What does it prohibit? Which claims are values, which are legal descriptions, and which depend on economic evidence? A useful public debate begins when those categories are kept separate.

As the United States marks 250 years, the ability to examine political language is part of responsible citizenship. The American tradition includes strong disagreements over association, individual liberty, majority rule, representation, and the obligations people owe to institutions that act on their behalf. Those disagreements remain legitimate. They become more productive when everyone starts from the same factual record.

Voices is published to help readers reach that record. We welcome questions, corrections, and primary sources that strengthen the public archive.

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Executive Director
The End RTW Institute

INSIDE THIS ISSUE

- What right-to-work laws actually regulate
- Four frames that shape the public argument
- What current labor data can - and cannot - prove
- The 1947 origins of Section 14(b)

FEATURE ARTICLE

Before the Evidence Comes the Frame

The same policy can look very different depending on the first words a reader encounters.

A frame is the organizing idea that tells an audience what a dispute is “about.” Frames do not automatically make a statement false. They select which value receives attention first. In the right-to-work debate, four recurring frames often compete.

Freedom and compulsion

Supporters commonly emphasize individual choice: no worker should be required to join or financially support a union to keep a job. The emotional center is freedom from compelled association. Opponents respond that federal law already protects the right not to become a full union member and that the practical dispute concerns payment for representation the union must provide.

Fairness and the free rider

Unions emphasize shared obligation. When a union is the exclusive bargaining representative, it negotiates for everyone in the bargaining unit and generally owes fair representation to members and nonmembers alike. The argument is that workers who receive negotiated benefits should share representation costs. Critics answer that payment should remain voluntary and that organizations must persuade workers to support them.

Voice and accountability

One side describes the union as the democratic voice selected by a workforce majority. The other stresses the continuing rights of each individual worker. Both ideas appear in American labor law: employees may act collectively, and employees may refrain from union activity, subject to limited statutory qualifications.

Economics and power

Advocates on both sides connect right-to-work policy to wages, investment, job growth, union strength, and state competitiveness. These are testable claims, but simple state comparisons cannot isolate the law from industry mix, cost of living, demographics, urbanization, education, or other policy differences.

Reading rule: When you encounter a claim, ask whether it describes the law, expresses a value, reports a correlation, or demonstrates causation. Those are four different things.

THE LEGAL RECORD

What the Law Actually Does

Right-to-work is a rule about union-security agreements, not a general guarantee of employment.

The federal baseline

Section 7 of the National Labor Relations Act protects covered employees who choose to form, join, or assist a union, act together for mutual aid or protection, or refrain from those activities. The National Labor Relations Board administers the law for most private-sector workplaces within its jurisdiction.

Union-security agreements

Federal law permits certain agreements requiring employees in a represented bargaining unit to make limited payments connected to representation, but it does not permit the pre-1947 “closed shop,” in which union membership could be required before hiring. Supreme Court and NLRB doctrine also distinguish full union membership from the financial obligations that may lawfully be required under an agreement.

Section 14(b)

The Taft-Hartley amendments of 1947 added Section 14(b), allowing states and territories to prohibit agreements that require union membership or payment as a condition of employment. State laws adopted under that authority are commonly called right-to-work laws.

What right-to-work does not mean

- It does not guarantee a person a job.
- It does not prohibit unions or collective bargaining.
- It does not eliminate the union chosen by a lawful employee majority.
- It does not, by itself, set wages, benefits, scheduling rules, or workplace-safety standards.
- It does restrict enforcement of union-security provisions covered by the state law.

A precise description

A neutral one-sentence definition is: A right-to-work law prohibits an employer and union from making union membership or covered union payments a condition of employment. Additional details depend on federal law, the state statute, the workplace, and the applicable collective-bargaining agreement.

This newsletter provides public education, not legal advice. Workers with a specific workplace question should consult the NLRB, an appropriate public agency, their union, or qualified counsel.

EVIDENCE AND INTERPRETATION

What the Numbers Tell Us

National statistics establish the scale of representation. They do not settle every causal claim about state policy.

The 2025 national picture

- 14.7 million wage and salary workers were union members.
- The union membership rate was 10.0 percent.
- 16.5 million workers were represented by a union, including 1.8 million represented workers who reported no union affiliation.
- Public-sector membership was 32.9 percent; private-sector membership was 5.9 percent.
- Median weekly earnings were $1,404 for union members and $1,174 for nonunion workers.

The Bureau of Labor Statistics cautions that the earnings comparison does not control for occupation, industry, age, firm size, geography, or other differences. Its 2025 annual estimates also exclude October because data were not collected during the federal shutdown, so comparisons with other years require care.

Why state comparisons are difficult

Right-to-work states and non-right-to-work states differ in many ways that also affect labor markets. A credible study must address competing explanations rather than treating the law as the only difference. Researchers may use regression analysis, matched comparisons, border-county designs, event studies, or changes over time, but every method rests on assumptions that should be disclosed.

A responsible claim checklist

- Is the claim about membership, representation, wages, job growth, or another outcome?
- Is the source describing correlation or estimating causation?
- What years, workers, states, and industries are included?
- Are inflation and cost-of-living differences handled appropriately?
- Are contrary studies or limitations acknowledged?

Bottom line: The available record supports careful analysis, not slogan-level certainty. The strongest public education states the result, the method, and the limitation together.

LABOR HISTORY NOTE

1947 and the Politics of a Name

Section 14(b) emerged from a larger postwar conflict over the boundaries of organized labor, employer authority, and federal power.

Congress enacted the National Labor Relations Act in 1935, establishing federal protections for collective action and bargaining in much of the private sector. Twelve years later, the Labor Management Relations Act of 1947 - commonly called Taft-Hartley - amended that framework over President Harry Truman's veto.

The amendments prohibited the closed shop, added unfair labor practices applicable to unions, expanded rules governing strikes and union conduct, and preserved a narrower form of union-security agreement under federal law. Section 14(b) simultaneously allowed states to prohibit even those agreements within their borders.

Two durable stories

Supporters presented state authority as protection for the individual worker who did not wish to support a union. Organized labor described Section 14(b) as a mechanism that weakened majority-selected representation by separating the benefits of a contract from the obligation to help finance representation. Those two stories - individual freedom and shared responsibility - still organize much of the debate.

The 1965 to 1966 repeal effort

President Lyndon B. Johnson supported repeal of Section 14(b), and the House of Representatives approved a repeal bill in 1965. The proposal did not overcome a Senate filibuster. The episode demonstrated that the dispute was national even though Section 14(b) operates through state law.

Why history matters

The phrase "right to work" did not arise as a technical summary written for a law-school casebook. It functioned as political language: brief, memorable, and centered on a broadly shared value. Opponents developed their own vocabulary, including "free rider," "union security," and "collective voice." Understanding that history does not tell a reader which position to adopt. It reveals why participants can use the same facts yet describe the moral center of the dispute differently.

Historical method: Read the statute, the congressional record, administrative guidance, and advocacy materials side by side. Advocacy sources show how a position was framed; they should not be treated as neutral legal authorities.

SOURCE INTELLIGENCE AND NEXT STEPS

Build the Record Before the Argument

A short source guide for readers, educators, and community discussion groups

Primary and official sources

National Labor Relations Act: nlrb.gov/guidance/key-reference-materials/national-labor-relations-act

NLRB employee-rights guidance: nlrb.gov/about-nlrb/rights-we-protect/your-rights/employee-rights

NLRB history of the 1947 amendments: nlrb.gov/about-nlrb/who-we-are/our-history/1947-taft-hartley-substantive-provisions

BLS Union Members 2025: bls.gov/news.release/union2.htm

BLS state union-membership table: bls.gov/news.release/union2.t05.htm

Source intelligence brief

Source reviewed: Bureau of Labor Statistics, Union Members - 2025. What changed: the national membership rate was 10.0 percent, with 14.7 million members and 16.5 million represented workers. Verification status: confirmed against the February 18, 2026 BLS release. Limitation: 2025 annual estimates exclude October and earnings comparisons are not adjusted for all workforce differences.

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The End RTW Institute is the research, education, and public-policy arm of End Right To Work Laws Inc. It supports the broader EndRTW mission by building a reliable public record on right-to-work laws, collective bargaining, labor history, and worker outcomes. The Institute publishes sourced reports, newsletters, state profiles, and educational materials for workers, educators, policymakers, journalists, and the public. EndRTW.org is the common public home for this work.

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