

1944

## RIGHT OF EMPLOYMENT

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For the past approximately eleven years, the Townsend Movement leaders have failed to get the plan through Congress, and are now endeavoring to foist their proposals on the voters of California.

We, who are sincerely interested in the welfare of the aged, do not wish to see wiped out all the gains that have been made in behalf of the

present 157,605 recipients of old-age security in this State.

**WE ASK THAT YOU VOTE NO ON PROPOSITION No. 11.**

**GEORGE H. McLAIN,**  
Chairman, Board of Trustees, Citizens' Committee for Old Age Pensions.

**12** **RIGHT OF EMPLOYMENT. Initiative Constitutional Amendment.** Adds Section 1A to Article I. Declares right of employment, free from interference because employee does or does not belong to or pay money to a labor organization. Declares interference with such right unlawful and provides remedy by court action. Defines labor organization. Declares section self executing, and authorizes legislation to facilitate its operation.

YES	
NO	

(For Full Text of Measure, See Page 14, Part II)

**Argument in Favor of Initiative Proposition No. 12**

Do you believe every person should have the right to get and hold a job regardless of whether he does or does not belong to or pay money to a labor organization? If you do—vote "Yes" on Proposition No. 12. This amendment will add to our State Constitution a guarantee of this right.

The opportunity to earn a living is a vital freedom. Yet no State law now exists protect-  
that freedom.

Shall our young men returning from war find their path to employment barred by labor union tollgates?—have to pay for the right to work—and be forced to submit to union rules, regulations and orders, in the making of which they have little or no voice? Shall they be denied a job because a union refuses them membership?

Shall housewives continue to be required to pay tribute to labor unions when they patriotically volunteer, in canneries and packing houses, to help save the Nation's food supply?

Shall workers moving from war production jobs to peacetime work be compelled to join a labor union; or belonging to one union be forced to join another?

Shall a person, in order to hold his job, continue to be forced to remain in a union? Even when its leadership has been discredited?

No, of course not. Then—vote "Yes" on Proposition No. 12, and establish freedom in the right to work.

Steam railroad and airplane transport employees, under Federal laws, now have this freedom. Proposition No. 12 will secure it for all other workers in California.

Labor unions, like other group institutions, will have real strength and dignity when they find power, not through the slavery of enforced membership, the fear of helpless employers, or by threatening political representatives, but through earned respect of society and the free alle-

giance of those who voluntarily join, attracted by wise and honest leadership and demonstrated benefits.

Collective bargaining is established by law. Proposition No. 12, by assuring the right to join a labor union, recognizes collective bargaining with the right of the individual employee, if he so chooses, to join a bargaining group. The closed shop is not necessary to collective bargaining; the National Labor Relations Act permits the closed shop only when State laws do not prohibit.

The major war work in this State is in open shops, where an employee belongs or not to a union, as he chooses. The chief interference with war effort in the United States by strikes has been connected with closed shops.

Enact Proposition No. 12; otherwise when war controls, including the "Hot Cargo" Act, are gone, involuntary servitude to the closed shop will be forced upon us.

The assertion that Proposition No. 12 will interfere with free speech is nonsense. The Constitution and decisions thereunder definitely establish that right.

The language of this measure is clear; can not be misunderstood. The question is not a party issue—but of right or wrong. "Yes" on Proposition No. 12 is a vote for the right.

**E. C. KIMBALL,**  
Citrus Grower, Ventura County. Chair-  
man, California Committee for the  
Right to Work.

**JAMES L. BEEBE,**  
Lawyer, Los Angeles.

**BYRON C. HANNA,**  
Lawyer, Los Angeles.

**MARK HOLTHOUSE,**  
Dairyman, Los Altos.

**R. F. SCHMEISER,**  
Farmer, Fresno.

**Argument Against Initiative Proposition  
No. 12**

Vote NO on Proposition No. 12.

While our boys are fighting the enemy and our citizens are backing them up all the way on the home front, a small minority of short-sighted employers, taking advantage of our preoccupation with the war, are trying to sneak through a drastic change in the Bill of Rights of California.

Many organizations of employers already have expressed their opposition to this measure. It likewise has been given the cold shoulder by many local chambers of commerce, church federations and business and professional groups. Farm leaders and farm groups are outspoken in their opposition to this attempt to single out labor and destroy its basic American rights of freedom of speech, press and assembly.

This attempt to mutilate the Constitution of our State comes at a time when our sons and daughters are protecting and preserving with their very life's blood those basic rights of Americans. Surely, no change of this character in our Constitution should be contemplated when approximately one million of our citizens can not be consulted or have the opportunity to give or withhold their consent.

Proposition No. 12 is a device to lower the standard of living of every citizen of California. With one stroke it seeks to undo the work of several generations of progressive legislation. It is not the concern of labor alone. Lower wages for workers means a lower State income. It means curtailed markets for California farms, factories and mercantile establishments. It means lessened opportunities for professional people.

This constitutional amendment is deceptively labeled the "right of employment" measure, in order to trap the votes of the unwary. It does not, however, create one single job or opportunity for our fighting men or our people at home.

On the contrary, Proposition No. 12 will reduce employment, because by creating chaos in our labor-management relations, it will prevent full utilization of our productive plants in the

postwar years. New industries, that California will desperately need to replace present war industries, will shun our State to avoid "plague of dissension and strife that this proposition seeks to bring upon all of us.

Proposition No. 12 is in conflict with our State and Federal public policy, protecting the constitutional right of free men to organize free trade unions for mutual benefit and protection. It prevents freedom of speech, press and assembly by prohibiting free expression by anyone on the benefits of workers' organization.

Proposition No. 12, moreover, robs servicemen and women of prewar rights and dooms them to the status of industrial slaves if they are lucky enough to find employment should this measure become law.

Proposition No. 12 disrupts harmony essential to vital war production by destroying labor-management cooperation. It breaks up the team that has been performing so well.

Let us not forget that Nazism, Fascism and totalitarian systems have flourished only where they have first succeeded in destroying organized labor.

Preserve our American institutions.

**VOTE "NO" ON PROPOSITION No. 12.**

**ANTHONY L. NORIEGA,**  
President, California State  
Federation of Labor.

**C. J. HAGGERTY,**  
Secretary-Treasurer, Califorr  
State Federation of Labor.

**J. G. THIMMES,**  
President, State C. I. O. Council.

**M. C. HERMANN,**  
Quartermaster Adjutant, De-  
partment of California,  
Veterans of Foreign Wars of  
the United States.

**WALTER L. BACHRODT,**  
Superintendent, City Schools of  
San Jose.

**END OF ARGUMENTS**

phrase of this article, or the application thereof to any person or circumstance, such decision or order shall not affect the validity of the remaining portions of this article, and the remaining portions of this article and the application of such provisions to other persons or circumstances shall not be affected thereby.

The people of the State of California do hereby declare that they do adopt and would have adopted this article and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**12** **RIGHT OF EMPLOYMENT. Initiative Constitutional Amendment.** Adds Section 1A to Article I. Declares right of employment, free from interference because employee does or does not belong to or pay money to a labor organization. Declares interference with such right unlawful and provides remedy by court action. Defines labor organization. Declares section self executing, and authorizes legislation to facilitate its operation.

YES	
NO	

Sufficient qualified electors of the State of California have presented to the Secretary of State a petition and request that the proposed amendment to the Constitution, by adding section 1-A to Article I thereof, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election or as provided by law. The proposed amendment to the Constitution is as follows:

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in BLACK FACED TYPE to indicate that they are NEW.)

**PROPOSED AMENDMENT TO THE CONSTITUTION.**

A new Section 1-A is hereby added to Article I of the Constitution of the State of California to read:

**Sec. 1-A.** Every person has the right to work, and to seek, obtain and hold employment, without interference with or impairment or abridgment of

said right because he does or does not belong to or pay money to a labor organization.

Anything done or threatened to be done which interferes with, impairs or abridges, or which is intended to interfere with, impair or abridge said right, is unlawful. Relief against or on account of anything so done or threatened to be done shall be granted in a civil action, legal or equitable, initiated in the Superior Court of any County in which anything so done or threatened to be done shall occur, upon the complaint of any person or upon complaint of the District Attorney of such County.

The term "labor organization" means any organization of any kind, or any agency or employee representation, committee or plan, which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, rates of pay, hours of employment or conditions of work.

This section is self executing and shall supersede all provisions in conflict therewith; legislation may be enacted to facilitate its operation but no law shall limit or restrict the provisions hereof.