



Written by [Bruce Walker](#) on February 3, 2012

Indiana Republicans Enact Right-to-Work Law

On February 1, Indiana became a Right-to-Work state when Governor Mitch Daniels (left) signed the bill the day after it passed the Indiana House of Representatives. This event is but the latest chapter in a political power shift that began with the 2010 state legislative elections. The consequences of this shift have been particularly evident in Wisconsin, and now Indiana has taken a similarly significant change of direction. A consequence of the Republican Party landslide in the 2010 elections was a dramatic shift of power in the state governments. The 50 states have 99 legislative chambers and 98 partisan legislative chambers (Nebraska has a nonpartisan and unicameral legislature). The 2010 election shifted 21 of these 98 chambers from Democrat to Republican and two chambers from Democrat control to partisan ties.



This gain in state legislative power was complemented by Republicans capturing governorships. Pennsylvania, Ohio, Michigan, Wisconsin, and Iowa were among the states which went from a Democrat to a Republican Governor. Before 2010, Democrats controlled both houses of the state legislature in Wisconsin, Iowa, and Minnesota and one house of the bicameral legislatures of Pennsylvania, Ohio, Michigan, and Indiana.

Those Great Lake states have historically been bastions of organized labor. Not coincidentally, these states have also been closely tied to the Democrat Party. After 2010, Wisconsin went from being entirely controlled by the Democrat Party to being entirely controlled by the Republican Party. Governor Scott Walker sought to limit the hemorrhaging of tax dollars on account of the vast benefit cost of public-employee collective bargaining agreements.

The story of what happened is now familiar. Unions descended on Madison in an attempt to intimidate state legislators. Democrat legislators fled to Illinois to keep Republicans from having the required quorum to pass laws affecting the budget. The typically routine judicial retention election of Judge David Prosser was bitterly fought to put in his place a candidate believed sympathetic to labor. Recall elections for Republican state senators were fought in an effort to shift control of the state legislature back to Democrats. All these efforts by Democrats failed. Governor Walker himself will face a recall effort this spring. The tenacity of Democrats defending the power of labor unions in Wisconsin suggests that the policy battle over the prerogatives of unions, especially public-employee unions, is considered a life or death matter.

Indiana, like Wisconsin, is a medium-sized Great Lake state with a more industrial economy than most



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states and with strong organized labor. Like virtually all states of the Northeast and Great Lakes, Indiana has opted under the Taft-Hartley Act to reject “Right-to-Work.” This means that in any workplace in which 51 percent of the employees vote to have a union, the other 49 percent must either belong to the union or, at a minimum, pay union dues without actually belonging to the union. There is a provision for workers to have only part of their wages tapped for dues, and to allow them to keep the portion unions devote to political activity, but the process is complex and difficult.

Aside from the dues, which historically have gone directly into political campaigns, workers in union shops or in closed shops (the two forms allowed in states which have rejected Right-to-Work), these employees who do not want a union are bound by whatever contract the union negotiates with management. This “collective bargaining” is intended to protect workers from management bullying, but the National Right to Work Foundation has given numerous examples of unions bullying their members.

Before 2010, Democrats in the Indiana House had a 52 to 48 majority, but after the election Republicans had a 59 to 40 majority. The Indiana Senate had been controlled by Republicans prior to 2010, but the margin increased from 33 to 17 to 37 to 13. Even so, Democrats in the Indiana House delayed action on the bill several times by sitting out and preventing a quorum, but on February 1, Indiana became a Right-to-Work state when — as was noted above — [Governor Daniels](#) signed the bill the day after it passed the Indiana House of Representatives.

The last state to adopt Right-to-Work was Oklahoma in 2001. Today, New Jersey, Missouri, West Virginia, Maryland, and New Hampshire are all actively considering Right-to-Work laws. Other states which now have Republican governors and state legislatures — Michigan, Ohio, and Pennsylvania — have also pondered this change.

Politically, the success of Wisconsin Republicans in surviving the wave of assaults against the bill to limit collective bargaining for public-employee benefits doubtless emboldened Indiana Republicans. Will the newest Right-to-Work state in turn inspire other state governments to adopt Right-to-Work? As unemployment and underemployment remain grave problems for millions of Americans, just getting fulltime employment may seem much more important than the particular pay and benefit package of the job. How much that matters we will find out as the Right-to-Work battles are fought this year.



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