

Pennsylvania is a “Right-to-Work State”

Yes, Pennsylvania, like all other States of the Union and the United States of America, is, as a matter of constitutional law, a “**Right-to-Work State**”. It always has been and always shall be so. No legislation is necessary to confirm this fact. Simply consider the following:

1) The Constitution of the Commonwealth of Pennsylvania, Article I, Section 1, states:

“All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.”

2) Black’s Law Dictionary, sixth edition, defines the word “**Liberty**”, in part, as:

“Freedom from all restraint except such as are justly imposed by law. ...

The “liberty” guaranteed and protected by constitutional provisions denotes not only freedom from unauthorized physical restraint, **but embraces also the freedom of an individual to use and enjoy his faculties in all lawful ways, acquire useful knowledge, marry, establish a home, and bring up children, worship God according to the dictates of his own conscience, live and work where he chooses, engage in any of the common and lawful occupations of life, enter into all contracts which may be proper and essential to carrying out successfully the foregoing purposes, and generally to enjoy these privileges long recognized at common law to the orderly pursuit of happiness by free people.**” (Bold print and underlining added)

3) The Pennsylvania Supreme Court case opinion in **Erdman v. Mitchell**, 207 Pa. 79 (1903), concerns trades unions, mandatory memberships and the right to work. This case opinion addresses Article I, specifically Sections 1 and 25, of the Constitution of the Commonwealth of Pennsylvania. The relevant portions of the **Erdman v. Mitchell** case opinion are as follows:

Holding: ... “Under the declaration of rights of the constitution of Pennsylvania, the right of a workman to the free use of his hands is a right which neither the legislature or a trade union can take from him, and one which it is the bounden duty of the courts to protect.

Trades unions may cease to work for reasons satisfactory to their members, **but if they combine to prevent others from obtaining work by threats of a strike, or combine to prevent an employer from employing others by threats of a strike, they combine to accomplish an unlawful purpose, a purpose as unlawful now as it ever was, though not punishable by indictment. Such combination is a despotic and tyrannical violation of the indefeasible right of labor to acquire property which courts are bound to restrain. It is utterly subversive of the letter and spirit of the declaration of rights. If such combination be in accord with the law of the trades unions, then that law and the organic law of the people of a free commonwealth cannot stand together; one or the other must go down.”**

[**Erdman v. Mitchell**, supra, pages 80]

Court Opinion: ... “The first article of the constitution says: “That the general great and essential principles of liberty and free government may be recognized and unalterably established; we declare, that all men are born equally free and independent and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation and of pursuing their own happiness.” Then follows the conclusion of this section: “Everything in this article is excepted out of the general powers of the government and shall forever remain inviolate.”

This clause, unlike many others in the constitution, needs no affirmative legislation, civil or criminal, for its enforcement in the civil courts. Where-ever a court of common pleas can be reached by the citizen, these great and essential principles of free government must be

recognized and vindicated by that court, and the indefeasible right of liberty and the right to acquire property must be protected under the common-law judicial power of the court. Nor does it need statutory authority to frame its decrees or statutory process to enforce them against the violators of constitutional rights.

The right to the free use of his hands is the workman's property as much as the rich man's right to the undisturbed income from his factory, houses and lands; by his work he earns present subsistence for himself and family; his savings may result in accumulations which will make him as rich in houses and lands as his employer. **This right of acquiring property is an inherent indefeasible right of the workman;** to exercise it he must have an unrestricted privilege of working for such employer as he chooses at such wages as he chooses to accept. **This is one of the rights guaranteed him by our "Declaration of Rights;" it is a right which the legislature cannot deprive him, one which the law of no trades union can take from him, and one which it is the bounden duty of the court to protect.** The one most concerned in jealously maintaining this freedom is the workman himself.

A conspiracy is the combination of two or more persons by some concerted action to accomplish an unlawful purpose. It is unlawful to deprive a mechanic or workmen of work by force, threats or intimidation of any kind; a combination of two or more to do the same thing by the same means is a conspiracy. That the legislature referred to such conspiracy is no longer criminal, does not render it lawful. At common law the courts held that such combination was so prejudicial to the public interest and so opposed to public policy as rendered it punishable criminally; but the legislature, which generally determines what is and is not public policy, has declared, that it is no longer a crime or misdemeanor. But this is as far as it has gone, it is as far as it could go without abolishing the Declaration of Rights; to do that the whole people of the commonwealth must be directly consulted and they must give assent. **For while the plain implication from the declaration is that the power to limit this indefeasible right rests solely with the people, yet when they adopted the constitution of 1874,** [note 1 below] **"with an extreme of caution they expressly said, "Everything in this article is excepted out of the general powers of government and shall forever remain inviolate." That is, shall forever remain with the people; they will not trust their own legislature with power to minimize or fritter it away,** much less a trades union. If the legislature to-day abolished indictment for willful and malicious trespass, or abolished the writ of estrepement, to-morrow courts of equity would still be bound under the Declaration of Rights to protect the citizen in the peaceable possession and enjoyment of his land, even if to do so they were compelled to imprison the lawless trespasser who refused to obey their writs. So the same courts are still bound to protect the humblest mechanic or laborer in his right to acquire property." ... [Erdman v. Mitchell, supra, pages 90 and 92] (Bold print added for emphasis)

Note 1: This same provision is found in the 1776, "1790, 1834 and 1968" Constitutions

4) When the mandatory provisions of the Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions. Thus, the Constitution of Pennsylvania and the Constitution for the United States of America strike with nullity any statute, code, regulation, rule, etc. that makes it necessary to belong to a union (a private corporation), pay dues to a union, or authorizes the State to collect and dispense union dues, etc.

All those in government must say: NO when asked to do anything that is unconstitutional. This is required by their constitutional **"oath of office"**. They may only do that which is strictly authorized by the Constitution of Pennsylvania, and where lawfully applicable, the Constitution for the United States of America according to their original intent. If something has been done unconstitutionally, it is likewise their solemn duty to do everything possible to correct the error.