

Q: Any thoughts on issues going forward? At the national level, there's a proposal to raise the minimum wage to some \$10 an hour and index it to inflation. How might that affect your work?

IM: Whenever the minimum wage goes up, the violations rise accordingly. Frankly, I see the violation problems continuing. And this is where I must say that I understand the pressures of businesses whose profit margins are tight, and who are increasingly pressured to stay competitive by any means necessary. Unfortunately, sometimes that translates into compulsions to violate the labor laws and not pay overtime or minimum wage, if they construe that their competitors are violating too. However, the law is the law, and we try to enforce it fairly for all.

Decades ago when the minimum wage was \$4.25 an hour, I don't remember seeing dishwashers being paid \$2 an hour. I just don't remember it. It didn't happen. The minimum wage has not kept pace with inflation. In 2007, the minimum wage had not gone up for ten years. That's the last time it was raised, and at the time it was raised from \$5.15 – that's where it stood since 1997 – to \$5.85. The raise was in three steps, 2007, 2008 and 2009, from \$5.85 to \$6.55 to \$7.25. That's where it is currently.

You would think that we'd see less and less minimum wage violations, and instead we're seeing more because of all these dynamics: the economy, the demographics, the nature of the population and the nature of competitive low-wage industries. So at the same time, I truly see a continuation of the trends, such as more employers complaining to us about unfair competition. And so ... we'll be busy forever.

The point is, there's a need, no matter what the state of the economy, there are people who are always being exploited, and there's a need for labor law enforcement. When the economy's good, there's a demand for more workers, and increased productivity, and people are asked to work overtime, and they're often not paid. So there's more work being done. And when there's more work, inevitably, there's potential for wage and hour violations. People are being asked to work more. And obviously, when the economy is bad, we have the pressures on the other end, you know, with the wages being lowered and undercut.

So there's a need for what we do all the time. I strongly believe that labor law enforcement is good and needed not only for the workers, but for employers, the economy, and our nation as a whole. It's one of the things that distinguishes us as a civilized society, and I'll always believe that. It was true 75 years ago when the FLSA was enacted, and 50 years ago when I'd meet my father at the subway station at 7 or 8 pm, after his long day working in the garment industry. And it's still true today. There are a lot of hardworking people who are severely underpaid, and a lot of businesses who are being hurt by those practices, not to mention our local and state and national government.

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REGIONAL LABOR REVIEW, vol. 16, no. 2 (Fall 2013).

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LABOR HISTORY

The Decline of American Unions: Irrelevance, Homicide or Suicide?

by June Zaccone

Most Americans believe that they can be downsized, but they can't be fired for no reason.¹ They're wrong. Except for protected categories, like race or sex, employment in the US is "at will," of the employer, that is. Further, once at work, private citizens become employees, and lose their right of free speech, and increasingly, privacy.² CVS staff must report health metrics, like their body fat, blood sugar, blood pressure and cholesterol levels, to the company's insurer or pay a \$600 penalty.³ Workers here have fewer rights and benefits than in any other advanced, industrialized country. Of the 25 richest countries, the US alone lacks universal health insurance, and paid or even unpaid vacations or sick days.⁴ Unions give workers a collective voice and help achieve these benefits. As the rights of sexual and racial minorities, women, and the disabled have all advanced, worker rights are going backwards.

... for more than half a century – the decline in private sector unionism has been inexorable, proceeding relentlessly through good economic times and bad, through Democratic as well as Republican administrations, and through periods of frantic organizing by unions, as well as periods of inactivity.⁵

Let's look at the state of unions. In 2012, 7 percent of private-sector workers were in unions, the lowest fraction since 1900.⁶ A larger fraction – 37% – of public sector workers belong to unions, so for the first time, they form a majority of union members.⁷

The process of decay continues. Overall, 11% of workers were unionized in 2012, a decline from 12 percent in 2008, 20% in 1983⁸ and the lowest since the 11% of 1916.⁹ In 1983, 42 states had at least 10 percent of private-sector workers with union contracts; now it's 8 states.¹⁰ Note that union membership reached its postwar peak in the mid-1950's, and started its precipitous decline in 1980's. Diminishing union power is reflected in diminishing strikes, and more attacks on those with higher union wages.¹¹

Why do we care? Unions have been a major reason for middle class expansion, and their decay a major reason for its decline. Note the slower growth of median family income after 1973 than before. The income lag complements a slowdown in the reduction of work time: our work year now exceeds workaholic Japan's. Median income grew more slowly because corporations used their power to increase their share of the benefits of economic growth at the expense of wages. In the early postwar period, wages tracked productivity growth, that is, output per worker. Since the 1970's, wages have lagged behind. Even college graduates have not escaped. Labor's

share of national income has declined as profit approaches its postwar high.¹² This shift affects us all. Until the 1970's, rising income based on shared output gains fueled the steady expansion of our economy. Rising inequality has replaced this widely shared growth, based on mass spending, with speculative financial booms fueled by assets of the superrich.

Work-place democracy appears to benefit only workers but unquestioned acceptance of authority on the job encourages its acceptance by workers in their roles as citizens.¹³ Unions boost political participation of members and nonunion members alike,¹⁴ providing an effective voice for social welfare spending. So their loss has permitted increasing inequality and an economic policy that focuses on the deficit rather than on problems of greater concern to the majority – unemployment, stagnant incomes, or mortgage and student debt. Despite increasing income shares to the top, their tax rates have fallen. The higher the income level, the greater the fall. For the 99%, the rate has hardly changed. Corporate tax rates have fallen, too, so government policy has made inequality worse.¹⁵

What ever happened to the labor movement? There are three theories of its decline: irrelevance, suicide, and murder.

Irrelevance means that natural forces have undermined unions – they are no longer necessary or are not adapted to the current structure of production. For example, some Conservatives believe that unions are weaker because wage and other problems of workers have been solved by a century of economic progress. Or it may be that changes in the economy, such as globalization, which have shriveled manufacturing and other labor strongholds, have made unionization impossible for a wide swath of workers.

A second explanation is **suicide** – unions are to blame for their plight. There is corruption; excessive compromise with corporations; looking out only for members' interests rather than those of all workers; and failure to organize new groups of workers as industrial structure changed.

Finally, there is **murder** – government and business have combined to destroy unions using anti-labor laws and the courts. This case includes Taft-Hartley, which restricted union rights and drove out labor activists, and a corporate attack, supported by government, on both existing union power and union organizing.

Their devastating problems demand new strategies, so I'll end with what might help union renewal, and what is being done.



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IRRELEVANCE A conservative explanation of union decline is that workers are so comfortable that unions are no longer necessary. One such commentator said after the financial crisis [late 2007] and its high unemployment:

Someone tell me how unions matter now? They made sense ... when there were few/no worker protection laws but with today's laws why do we need them? ... If employers screw employees they will walk off the job, ... word will get out and the company will have problems hiring. Then they will change. Don't like the company policy? Find another company.¹⁶

This writer assumes that anyone can always find another job, ignoring the chilling effect of chronic unemployment. The director of the corporate-backed Center for Union Facts had a slightly different response, this in 2010. "Labor union membership is an outdated concept for most working Americans," he said. "It is a relic of Depression-era labor-management relations."¹⁷

These explanations are without credibility, given the economic status of the working class since the counterattack against union power. As a labor supporter describes class relations, "As long as capital sees labor—as it must—as a cost to be cut, there will be a need for working-class institutions of resistance."¹⁸

Our earlier look at the condition of labor shows that this is so. It's not only slowdown of the median income. The real value of the minimum wage, which acts as a wage floor, peaked in 1968. And it's not only income. Take accidents. Though rates have diminished, 2010 Congressional testimony by an Occupational Safety and Health [OSHA] official reports that every year "over 4.6 million workers are seriously injured on the job," and over a few weeks "workers ... [were] crushed, electrocuted, burned, or ... died in falls, trench collapses and forklift accidents."¹⁹ Penalties haven't increased in decades: the average penalty is about \$1,000 for a serious violation. The maximum penalty is \$70,000 for death on the job—one caused by willful violation of an OSHA requirement.²⁰ Better to die in an airplane crash; survivors get \$170,000 by international convention [2013]. Contrast the fines for unsafe work with those for "indecent content": The FCC can charge a TV station \$325,000 for indecent content.²¹ Officials of a plant in Mississippi using toxic glues that cause nerve damage and numbness "explained in court documents that safety was important but that the glues were fast-drying so that cushion production time declined by two-thirds." According to a Vice President of that company, "There are people lined up out there for jobs. If they start dropping like flies, or something in that order, we can replace them today."²²

Some union decline is related to job shrinkage in industries important to unions, like manufacturing, and greater difficulty organizing workers in service industries, like restaurants or gas stations. Imagine the problem organizing a temp; a household worker; or a barista. And as unions shrink, fewer workers are familiar with their benefits, so are more difficult to organize.

However, table 1.1, which compares changes in employment to changes in unionization shows that structural change isn't enough to account for union decline. Of those industries with data showing both employment and union change, jobs *expanded* but the percent unionized declined in construction, durable goods, wholesale trade, and FIRE—finance, insurance, and real estate; jobs *declined* but unionization *declined even more* in agriculture: jobs down 25%, unions, 53%; mining down 42%, unions, 56%; nondurable goods down 46%, unions, 57%; retail trade, down far less than 1%, unions, 26%. Other industries lack enough information to judge. It seems clear that though the decline of heavily unionized sectors was a problem for union density, it was not determinative. The attack on public unions is not related to globalization, except as the latter empowers corporations.

The structural impact of global outsourcing fades into the murder hypothesis: globalization was a joint government-corporate project [p.4]. To test this source of union decline, let's see what happened elsewhere. Unions in market-oriented economies like ours or Britain have declined more than those in Western Europe. Even Canada, which faced similar economic and social change, hasn't had the same precipitous decline, though their trajectory followed ours until the mid-1960's. Their laws are far more favorable to unions.²³

However negative mainstream opinion is on unions, the public and workers differ. Though diminishing, a majority of the public continues to approve of unions, and prefers them to have at least their current influence. Oddly, negative opinions of unions rose after the financial crisis. [The light green line in both graphs.] A survey by a Harvard labor economist showed that if workers had had a choice, the "unionization rate would have been about 58%" in 2005, instead of the actual rate of 12.5%.²⁴

WAS IT SUICIDE? Have unions weakened their own cause? Historically, labor leaders have from time to time undermined labor's position. A notable example is the fight for an eight-hour day, which became a rallying point in 1886 after decades of agitation for it. Terence Powderly, head of the Knights of Labor, alarmed at worker militancy, deliberately tried to sabotage the movement.²⁵ The AFL in the 1930's joined business and conservative Democrats in attacking the NLRB—the National Labor Relations Board, set up to protect the right to organize. It believed the NLRB favored the AFL's competitor, the CIO, accused the Board of communism, and helped to weaken its support.²⁶

Let's start with unions at their best, pursuing social goals as well as their own. A good example is local. Denis Hughes, former president of the New York State AFL-CIO, won an increase in the state's minimum wage against the opposition of then governor, George Pataki. Here is Hughes's comment on his support: "That the 700,000 minimum wage earners affected by it tend to be non-AFL-CIO members is beside the point. An economic ripple effect is the point. That's kind of the beauty of the whole thing, that by doing something for people outside of organized labor, we've given ourselves a chance to provide a wage floor, a basement level, so to

speak. That's the self-serving side of it. Working the fight for a minimum wage was a good thing."²⁷ Unions have also lobbied politicians they help elect not just for their own causes but for progressive legislation generally. In 1965, the AFL-CIO played a crucial role in persuading both Democrats and Northeastern Republicans, whose districts were then home to tens of thousands of union members, to vote for Medicare, the Voting Rights Act, and anti-poverty programs. Spreading benefits is critical to union strength, both to protect their gains and to prevent unionized employers being hurt by low-cost competition.

When unions had power, the most powerful union, the United Auto Workers [UAW] under Walter Reuther frequently acted as a labor party. It supplied money and buses for the 1963 March on Washington and funds to Cesar Chavez's farmworkers union and its grape boycott. The UAW also helped Students for a Democratic Society, the National Organization for Women, and the first Earth Day. "Today, the Service Employees International Union [SEIU] supports the immigrant-rights movement, while the AFL-CIO contributes to a range of progressive organizations."²⁸ And Labor supported the Affordable Care Act, a dubious effort, and the Dodd-Frank financial-reform law.

However, in recent years unions have usually not fought hard for social legislation. Their failure sometimes reduces union power. For example, when the AFL-CIO rejected the right to sue for a job, it was dropped from the Humphrey-Hawkins "Full Employment Act of 1978."²⁹ This eliminated a job guarantee, thereby reducing the power of working people to change jobs and that of unions to get good contracts.

When unions support employers and their own interests against those of the public, they reinforce negative public opinion.³⁰ Environmentalists, for example, oppose the extension of the Keystone pipeline because it will speed global warming. But the construction trades, and now the AFL-CIO itself have joined companies in pressing for the pipeline.³¹ It "wins a few construction jobs ...; but it sacrifices everything of value."³² Unions even fight each other: some New York building trade unions contributed \$500,000 to a business group working to reduce the compensation of public workers. These unions expect that the money public workers lose will fund infrastructure projects.³³

Unions sometimes support regressive social policy. In Connecticut after the massacre of children, the UAW, representing Colt firearm workers, testified against restrictions, fearing they would destroy jobs.³⁴ The California Correctional Peace Officers campaigned for the notorious Three Strikes law, helping make California a leader in prison construction.³⁵ Though unions may judge that focus on their own interests best assures their success, public support for union struggles can determine their outcome. If thousands of people attend union rallies, their solidarity can discourage scabs from crossing picket lines, can lead police to conclude the crowd is too big to subdue, improve the morale of strikers, or demoralize a firm that wants to maintain good public relations.³⁶

A singular focus on their own interests also increases public distrust. Though unions still have majority public approval, they rank close to the bottom in Gallup's poll on confidence in institutions,³⁷ barely above big business and HMOs but below banks. Obviously, how the question is asked determines the answer. Despite the financial crisis and unemployment, approval of unions³⁸ is close to a 75-year low in Gallup polling. "A major reason is that twice as many people (68%) think that unions help mostly their members as think they help the broader population (34%)." And mostly this perception is true. Unions rarely support users of schools, transit, or health care.³⁹

Union failure to identify with communities stems in part from the pay of its leaders. The United Electrical Workers (UE), which caps official salaries at \$56,000 and typically does not endorse Democrats, is growing in two states that outlaw collective bargaining for public employees—West Virginia and North Carolina.⁴⁰ In West Virginia, though it lacks collective bargaining rights, it was able to win small wage increases and grievances for its public-sector members through intensive training of shop stewards, who then train their own members in how to be militants. [The UE, incidentally, is one of the militant unions expelled from the AFL-CIO in postwar anti-communist purges.] Organizers who make comparable salaries and live in the same neighborhoods identify with their members, so have a greater sense of urgency about solving their problems. In contrast, American Federation of State, County and Municipal Employees [AFSCME], whose outgoing president Gerry McEntee was paid \$387,000, lost union members in those same states.

Modest pay is also financially practical. McEntee's salary could employ seven full-time union organizers.⁴¹ The same argument applies to the AFL-CIO's canvassing for and donations to Democrats: Between 2000 and 2012, unions donated nearly \$650 million.⁴² AFSCME took out a \$5 million loan to support Democratic Senate races.⁴³ What have they gotten in return? Not even a mention in this year's inaugural speech. Not labor law reform during the Carter era, when Democrats controlled Congress.⁴⁴ Increasingly, Democrats are going beyond being merely unhelpful. Some have become actively hostile to organized labor. In California, Governor Jerry Brown, for example, attacked public pensions so that newer workers must pay more into the pension fund. In Wisconsin, though supporting the right of public workers to be in unions, Democrats also supported such workers being forced to make wage and benefit concessions. New York Governor Andrew Cuomo proposed to shift new public hires from defined benefit pensions to much less secure defined contribution plans.⁴⁵ According to some union critics, Obama's health care law disadvantages their hard-fought union healthcare plans.⁴⁶

Unions would have accomplished more using their funds to push for national health insurance⁴⁷ or to support progressive candidates in primaries. Compare their strategy with that of ultra-Conservatives. These share the "nowhere else to go" position with unions,⁴⁸ but unlike them refused to support their Party and

eventually elected many from the Tea Party to Congress. Even worse, unions have transferred organizers and resources from organizing to political campaigns. After the 2008 campaign, for example, unions kept many organizers in political mode for the next four years – in the failed effort for the Employee Free Choice Act, then for midterm elections, for public sector legislation fights in the states, then for getting ready for the 2012 election. Politics and labor-law reform took priority over organizing.⁴⁹ According to labor scholar Kate Bronfenbrenner, unions forgot that their political power depends on organizing and bargaining power. It requires active members in every state and district, “members who are educated about the issues and ready to talk to their neighbors.” Though labor has powerful enemies, it now has many potential allies who are fed up with those enemies. Labor needs organizers to run wide-ranging, even global campaigns mobilizing its members and allies, she says.⁵⁰

As difficult as the new labor force is to organize, some labor leaders have hardly been concerned with doing so. George Meany, who ruled the AFL-CIO from 1955 to 1979, almost until his last breath at 85 [1/80], told an interviewer in 1972, “Frankly, I used to worry about ... the size of the membership. But quite a few years ago, I just stopped worrying about it because to me it doesn’t make any difference. ...”⁵¹

Other issues are union compromise and corruption. An analyst within the labor community was one of its most severe critics. The late Robert Fitch observed that on

major political questions, unions tend to take on the philosophy of their employers. The hostility of Andy Stern’s SEIU to a single-payer health care system, dismissed as a Canadian import, reflects the opposition of the hospitals and nursing homes which employ SEIU labor.⁵²

SEIU made private deals with national hospital chains giving away worker rights to strike and even rally. It undermined member activism, threatening those engaging in job actions against these employers.⁵³ Some of its growth involved sweetheart deals with employers or horse-trades with politicians rather than organizing. An example is the recognition of home care workers in California and Illinois by victorious governors in return for contributions to their successful campaigns, including that of Rod Blagojevich. These victories did little to raise low wages.⁵⁴

Fitch believed corruption a major source of union decay.⁵⁵ Not just collusion with bosses or pilfering union assets, but the legal corruption of hiring relatives, taking excessive salaries or hiring favorites. Reciprocal ties between leaders and favored members exploit union job control power. Those favored get union office, less favored get jobs as staff or stewards and foremen. Here he cites the Teamsters and United Food and Commercial Workers, the latter legendary for nepotism.⁵⁶ When the CIO posed a threat to the AFL, they both organized. The big falloff started with their agreement to stop competing for members when they merged in 1955.

The late Harry Kelber, who at age 98 announced a quixotic run against Richard Trumka to head the AFL-CIO, also criticized labor corruption. He said that leaders like Trumka retain power through practices like a Constitution that ensures his re-election without an opposing candidate. A clause gives international unions as many votes as their members, “but limits State AFL-CIOs and Central Labor Councils to only one delegate and one convention vote each.” So big unions dominate the convention; state and local bodies are little more than observers. “At the 2009 AFL-CIO convention, the 20 delegates of the American Federation of Teachers had over a million ... votes; the 48 State Federations and 301 Central Labor Councils had only one delegate and one vote each.”⁵⁷

In 1950, the UAW and the Big Three automakers made the agreement that created the American middle-class. It came after a wave of strikes by workers who’d sacrificed during the war while business reaped enormous profits. In return for health care and pensions, increased vacations, and COLA, the companies got a five-year no-strike pledge. Selling every car they made, they could easily afford the benefits. This contract became the union gold standard, and made health care and pensions necessities. No more. Good health care is once again a luxury, along with defined pensions, secure jobs, and middle-class incomes.⁵⁸

Labor’s predicament may reflect its illusion that it had a permanent social contract,⁵⁹ accounting for its disastrous strategy in the 1980’s. Unions began accepting two-tier pay scales, to the disadvantage of young workers. Their top wage is frequently capped at the entry wage of workers with seniority.⁶⁰ While this system protects older workers, it undermines worker solidarity and excludes younger workers from middle class status. The UAW made concessions beginning with Chrysler that broke pattern bargaining, which ensured that all auto firms would have similar costs. It set a standard that encouraged other firms to make similar demands. As GM Chairman Roger Smith insisted, “You cannot have a two-tier industry.”⁶¹ This set the stage for an era of give-backs and competitive wage-setting. The problem continues: by 2012, UAW concessions had made labor costs at non-union Toyota roughly equal to General Motors’ and actually higher than Chrysler’s.⁶²

Unions also participated in the postwar witch-hunts, which distracted them from continuing to oppose Taft-Hartley. This was a mistake, since the law’s intent was to weaken unions generally, not just radical ones. For a while, union raids on Communist rivals took the place of organizing.

BUT IT WAS PRIMARILY MURDER, perpetrated by corporate interests with government as accessory, and occasional help from the labor movement itself. Businesses cherish autonomy, and government policy, significantly shaped by business interests and their financial help, often supports them. The counterattack against unions by conservative and corporate groups began during the New Deal, with a Supreme Court decision that employers’ hiring scabs did not undermine employees’ right to strike,⁶³ a decision used only decades later.

After World War II, a militant labor movement alarmed business by challenging its sole authority in the workplace. In 1946 alone, there were national strikes in steel, auto, electrical parts and meatpacking. These were not only over economic issues but were claims for more power to set workplace rules, and were the beginning of changes that helped to create the middle class.⁶⁴ The movement was led by “shop floor militants,” whose conception of their role was “social justice” unionism. This role sees unions as part of a broader working class movement to promote such issues as better working conditions, racial equality, and rising living standards for all workers. These militants included communists, socialists, anarchists, and ordinary trade unionists, along with a growing number of politically active black workers. The United Packinghouse Workers were by far the best on racial issues: blacks headed 8 of 14 locals in segregated Chicago in 1939.⁶⁵ These unionists were willing to take on union leaders as well as corporate chieftains. Left-wing unions had been most active in organizing services and white-collar workers, as well as in bringing women and blacks into the movement, groups ignored by traditional unions.⁶⁶ Betty Friedan, for example, wrote on women’s issues for a UE local, and lost her job with the paper when the embattled union lost resources.

The Taft-Hartley Act [1947] was the culmination of a conservative counterattack against this labor upsurge and made possible by the election of Republican majorities in both the House and Senate in 1946. The Act amended the Wagner Act, and placed strict limits on organizing rights, strikes and other forms of direct action, and on unions’ mutual aid tactics.⁶⁷ Republicans were joined by Southern Democrats, whose anti-labor stance reflected expanding union membership in the South and its threat to the prevailing racial order.⁶⁸ The Act was in part a response to the labor movement’s major drive in the South, Operation Dixie, which began in early 1946. The drive was expected to build on union growth there during WWII, which had been favored by low unemployment. But the drive failed. “... the [Operation Dixie] campaign is more a study in the techniques of union-busting than union-building.” Workers faced every possible source of opposition, from company intimidation, spies, wiretapping, and losing their jobs; organizers and “troublemakers” were often threatened, beaten, imprisoned and some lynched. Interracial activities were branded as Communist. Even George Meany, head of the AFL, along with employers and Southern politicians, attacked Operation Dixie as subversive.⁶⁹ There were problems of union leadership as well. The failure is a subject still debated.⁷⁰ How different our politics would be had the CIO’s organizing efforts in the South been successful!⁷¹

Taft-Hartley included an anti-Communist oath, later declared unconstitutional,⁷² imposed on union officials. Anti-Communism was an effective tool, both in fighting union militancy and, for conservatives, liberal policy on poverty and inequality. The focus on party membership obscured the right-wing goal of weakening any social movement which could be even remotely described as sympathetic to Communism. This political mode has lingered as

liberals have drifted right: someone as conservative as Obama can be attacked as “socialist.”

Walter Reuther, fearing the threat of militant unionists, decided to take control of the UAW to eradicate their influence. He labeled them “communists,” though most weren’t, and during 1946-48 began an effort to either dominate or expel them from the union. After Reuther was successful with this project, Philip Murray, who headed the CIO, adopted it and expelled the UE and 10 other unions in 1949. And the purge wasn’t limited to Communists. According to FBI data, between 750,000 and 1 million CIO members were expelled; of these, about 1700 were Communist Party members.⁷³ As Ellen Schrecker and others have concluded, “... the elimination of its most radical members transformed labor from a social movement into an interest group.”⁷⁴ It has never recovered from that loss of dynamism.⁷⁵ “Even some of the pro-Soviet left’s severest critics have conceded that Communist-influenced unions were among the most egalitarian, the most honest and well-administered, [&] the most racially progressive ...”⁷⁶

Labor lawyer Thomas Geoghegan argues that Taft-Hartley is the principal cause of the American labor movement’s steep decline. It “outlawed mass picketing, secondary strikes of neutral employers, sit-downs; in short, everything that [John L. Lewis and the Mineworkers] did in the 1930s.” It also slowed *any* organizing at all by ending card checks, which permitted unions to be certified by getting signatures from a majority of workers at a plant. “Taft-Hartley required hearings, campaign periods, secret-ballot elections, and sometimes more hearings, before a union could be officially recognized.”⁷⁷ It also granted employers “free speech” during union election drives to harangue employees without any provision for similar worker rights.

Taft-Hartley gave employers another major tool against unions: states got authorization to enact so-called right-to-work laws [RTW], and twenty-four states [add Michigan to the map] have done so.⁷⁸ “Right-to-work” is an obvious misnomer. It offers workers no actual right to work – only the right to get union benefits without paying union dues. Unions must even handle their grievances.⁷⁹ Evidence of their effect is immediately at hand. Unionization in Indiana, which enacted right to work in March 2012, dropped from 11% to 9% in just one year.⁸⁰ Controlling for relevant variables, RTW costs the average full-time worker about \$1,500 annually.⁸¹ Labor once assumed that the success of the Civil Rights movement in the South would permit its own success in organizing there. Instead, the South’s opposition to unions has spread North.⁸² “Right to work” threatens to become the law of the land.

Taft-Hartley represents a retrogression of labor rights. “Imagine the gun rights movement without the Second Amendment.” This is labor without the Thirteenth Amendment, which prohibits involuntary servitude, argue some labor activists.⁸³ From 1909 until Taft-Hartley, labor invoked this amendment when employers or the government interfered with the rights to organize and strike.

Yellow-dog contracts, labor injunctions, and anti-strike laws were considered to be unconstitutional. Labor “insisted that without the rights to organize and strike, workers could not be free.” In a corporate world, a worker’s right to change jobs does not offer an escape from servitude. This comes only by organizing. Though “the Norris-LaGuardia Anti-Injunction Act [1932] and the Wagner ... Act [1935] did not specifically mention the Thirteenth Amendment,” they incorporated the view that an individual worker could not have real liberty of contract. By mid-century, lower courts were citing the Amendment to invalidate antistrike laws and injunctions. Taft-Hartley changed this. At first, the AFL and the CIO called it a “Slave Labor Law.” But the Cold War derailed plans to mount a major campaign. With labor treated as a Communist threat, “most union leaders were more anxious to demonstrate their patriotism than to enforce the Constitution. William Green and George Meany took the lead, arguing that compliance was the ‘American way’ and unionists should put their energies into lobbying and electioneering.”⁸⁴ That labor presence peaked in the mid 1950’s underscores Taft-Hartley’s effect on unions.

Union-busting continues. Firms routinely use a new profession that burst on the scene in the 1970’s and 80’s: highly-paid, anti-union consultants and law firms that aid businesses in avoiding unions or destroying existing ones.⁸⁵ They have showed employers “that they could violate the [pro-labor 1935] Wagner Act, fire workers at will, fire them deliberately for exercising their legal rights, and nothing would happen. The Wagner Act had never had any real sanctions.”⁸⁶

Industrial leaders moved in several directions to weaken or destroy union power. They began the move to multiple production sites, at first to non-union, right-to-work areas such as the South; ultimately to low-wage sites around the world. They also accelerated replacing workers with new technology. Business unionists never found a remedy and, in fact, worked against the only policy that might have helped: international labor solidarity. The AFL Free Trade Union Committee fought communism in Europe even before the war ended. They cooperated with the US government to overthrow pro-labor, elected governments in Guatemala (1954), Brazil (1964) and Chile (1973).⁸⁷ And promoted the slogan, “Buy American,” as if only jobs for American workers mattered.

Until the 1980’s, firms did not attempt to cut wages, only to prevent their increase. Reagan’s breaking the PATCO strike had enormous impact. Though it was a public union, by breaking PATCO, the federal government encouraged business to do the same. Firms capitalized on opportunities existing since Taft-Hartley.⁸⁸ Other unions that might have helped, like the International Association of Machinists that represented airline mechanics and baggage handlers, did not support PATCO.⁸⁹

Compare Canada. Several provinces [of 10] ban striker replacement, unlike the U.S.; there is no Canadian version of “right-to-work” laws. Unions can be formed far more easily. Card-check authorization, used in almost half of the provinces, allows a majority of employees at a firm to form a union by signing cards stating that

they would like to do so. The other provinces are similar to the U.S., where cards are signed, a petition is submitted to the labor board, followed by an election. However, the election must typically occur within five to 10 days after the petition, allowing far less anti-union campaigning by employers. In the U.S., most private-sector workers who wish to unionize must sign authorization cards, petition the National Labor Relations Board and then vote in an election. According to labor economist Richard Freeman, “NLRB elections have turned into massive employer campaigns against unions, in which supervisors unprotected by the law play a critical role in pressuring workers to reject the organizing drive.”⁹⁰

In Canada, quick resolution of charges of illegal obstruction of union drives helps to ensure an atmosphere free of coercion and intimidation. In the U.S., charges often aren’t resolved until long after a union drive is over.⁹¹ Card-check authorization and quicker handling of illegal-obstruction charges were incorporated into the Employee Free Choice Act, but this is no longer on the political agenda, if it ever really was.

The National Labor Relations Act makes it illegal for employers to discriminate against workers trying to organize a union, but only trivial fines are imposed. If the firm loses a case, it must reinstate workers and provide back pay after a lengthy process. Faced with weak legal protection for organizers, firms risk the occasional loss in the interest of avoiding unions.⁹²

So why hadn’t employers been violating union rights all along? When unions had power to retaliate, employers followed the law: “in the 1930s and 1940s, they tried [to break the law], and they got riots in the streets: mass picketing, secondary strikes, etc. But after Taft-Hartley, unions couldn’t retaliate like this, or they would end up with penalty fines and jail sentences.”⁹³ With labor’s decline, employers have become far more aggressive in fighting unions, both by legal and illegal means. “Between 1999 and 2003, for example, employers illegally discharged workers in over a third of organizing drives under the auspices of the NLRB.”⁹⁴

US policy favors management. If a company illegally fires a worker for union organizing, a complaint to the NLRB may take years to settle. Even when worker complaints are successful, awards are paltry. So “breaking the law and getting rid of agitators” can be very profitable. In contrast, if workers violate the law with a wildcat strike, a company usually can get an immediate injunction, thanks to Taft-Hartley. “If the workers continue their strike, their assets will be seized and their leaders thrown in jail. ... this incredible asymmetry tilts the field in management’s favor.”⁹⁵

Then there is the Supreme Court. In a recent case, *Knox vs. the SEIU*, the issue brought to the Court was whether a public-sector union must let those workers who pay dues but are not members know that it is going to levy a surcharge to defeat anti-union ballot measures. The court went beyond what the plaintiff himself had asked for. It ruled [6/12] that union non-members should be required to opt-in rather than “opt-out” if they so chose. “In other

words, they should have to volunteer *to pay* instead of requesting *not to pay*.” Imagine if corporations were required to get the consent of stockholders to spend on political campaigns.⁹⁶

It is clear that whatever strategies labor chooses one must assume there will be no support from corporations, any branch of government, either political party, and frequently with major opposition from all of the above. The attack on both public and private sector unions shows that their survival requires strategies shaped to this harsher reality.

The Canadian unionist, Sam Gindin, among others, believes that the crisis of labor reflects a crisis on the Left. Labor’s past strength was nourished by the Left’s energy and analysis. If so, labor’s renewal awaits recovery of a Left that challenges the way society runs rather than just current wage and benefit levels. For example, a Left labor movement would be organizing unemployed former union members, though they pay no dues, and helping them understand the crisis. Traditional labor practices are at a dead end.⁹⁷ Recruiting a majority of workers in the private sector to win an election is moribund. Union elections fell from about 6,000 in 1980 to fewer than 1,200 in 2011, a decline of about 80 percent.⁹⁸ “Employers are unafraid of breaking the law, and workers are afraid of losing their jobs.”⁹⁹

OTHER STRATEGIES ARE NEEDED. “What is necessary is not reform but reformation,” according to Bill Fletcher, a long-time union activist. “The agenda ... needs to be based on justice and sustainability.”¹⁰⁰ He and Jan McAlevey urge unions to “stop acting like a special interest and start behaving like a social movement.” This means learning to act politically, to represent the entire working class and not just those with membership cards.

Unions should invest in mass education, and instead of separating workplace and non-workplace issues, shift to a “fight for dignity and economic justice that can deeply appeal to a much wider audience. The way back to winning big majorities of Americans to the cause of labor is for labor to take up the causes of the majority,”¹⁰¹ such as rights at work. Richard Freeman, previously mentioned, has similar advice, and suggests that labor act more like the AARP, becoming a lobbying group for all workers.¹⁰² Others believe that labor must break with the Democrats, then create a labor party to fight for labor issues¹⁰³ – obviously a long-term project.

Let’s explore a few labor initiatives. One effort is *Working America*, the community affiliate of the AFL-CIO begun in 2003 to reach non-union people. This group has worked on issues only loosely connected to the labor movement: they “helped stop a plan in Ohio to shorten the school year by up to five weeks – a plan pushed by the amusement park lobby.”¹⁰⁴ *Working America* has recruited nearly a million members, and has organized in around 25 states, talking with people about labor issues. Its action in Ohio helped to overturn that state’s attack on collective bargaining.

A promising effort emerged during the recent election: unions joined with new allies, like Moveon, and created a community-labor coalition called *Wisconsin Jobs Now*, which has worked to raise the minimum wage and stop cuts in Medicaid.¹⁰⁵ Some segments of Occupy have joined forces with unions, for example, the West Coast Port Shutdown of Dec 2011.¹⁰⁶

Then there is *Change to Win*,¹⁰⁷ whose goal is to organize 50 million workers in industries that can’t be outsourced. Affiliated with several unions, including the Teamsters, SEIU, and the United Food and Commercial Workers, now [8/13] rejoined to the AFL-CIO, they waged an exciting campaign,¹⁰⁸ called *OUR Walmart*. Walmart is a good choice of focus. Wages are low, benefits poor, and working conditions at some stores abominable. A worker earning the company-reported average full-time hourly wage working Walmart’s definition of full-time would be earning below the poverty level for a family of four. Many are eligible for public assistance, so the company is a burden on taxpayers. Ironically, Walmart itself suffers from the low-wage world it helped to create: low-wages constrict consumer spending. “Where are all the customers? And where’s their money?” asked one of their executives?¹⁰⁹

OUR Walmart is a grassroots group of hourly employees dedicated to improving their conditions, but not a union. Its requests included “dependable, predictable work schedules” and “wages and benefits that ensure that no Associate has to rely on government assistance.”

Walmart squelched it, with the aid of the NLRB. Citing the Taft-Hartley Act, which prohibits picketing for longer than 30-days when pursuing a union, Walmart asked the NLRB to intervene on its behalf. The NLRB has held off charges against the union for 6 months. Postponing charges ensures that the union complies with its promise not to try to unionize Walmart workers. Otherwise it will be charged with illegal picketing.¹¹⁰ Would that the NLRB helped workers with as much dispatch as it helps their employers.

A good example of social movement unionism, one shaped by intense worker activism, is the United Food and Commercial Workers Union victory in a 16-year campaign to organize Smithfield Foods’ massive hog plant in Tar Heel, N.C. in late 2008.¹¹¹ Their success resulted from the tenacity and unity of the largely African-American and Latino workforce. A *Justice for Smithfield* campaign, launched a few years before, mobilized community, religious and consumer support. Smithfield saw it as dangerous enough to file a lawsuit against the union for racketeering, “claiming the solidarity campaign had cost them \$900 million.”¹¹²

The Chicago Teachers’ strike is perhaps the most stunning labor action in recent years, marking a decisive break with labor’s approach of not challenging the Democratic Party’s neoliberal agenda. The union identified so-called “education reform” as policies that would accelerate educational inequalities, strip union power, erode standards of living, and weaken public education.¹¹³ The union put forth its own vision of reform, joining the interests

of teachers with those of parents and students, like protecting arts programs in the schools. One union action was to conduct art classes in front of a school slated to be closed.

It is an exemplar of social justice unionism. Its President, Karen Lewis, says, "Without the social justice angle – go tell the community how they need to support tenure without showing how their kids are affected by ed 'deform' policies." As a consequence, the union had community support: a majority of parents supported the striking teachers.¹¹⁴ The success of this strike shows the importance of worker education. Lewis's caucus grew out of a book club discussing Naomi Klein's *The Shock Doctrine*. The group eventually led Lewis to campaign to replace a leadership failing to challenge the shift "to non-union charter schools promoted by Democratic Mayor Rahm Emanuel." The strike relied crucially on knowledgeable workers able to make the case with friends and neighbors, offsetting hostile media reports.¹¹⁵

The 2013 AFL-CIO convention, with a leadership "still too male, too pale and too stale,"¹¹⁶ made modest gains toward this type of unionism. It supported more cooperation with "alt-labor groups," like the National Domestic Workers Alliance and OUR Walmart, which mobilize workers without union representation. A resolution also will require member unions to submit organizing plans, which the AFL-CIO will use to determine support. However, the leadership is still wedded to the strategy of ensuring access to the Democratic Party establishment, a strategy which many believe weakens union efforts to fight for working class concerns, like good jobs.¹¹⁷

Social justice unionism is a potentially winning strategy for the labor movement – one that identifies with the aspirations of the people unions serve, and begins to repair our frayed and unappreciated social bonds. Margaret Thatcher's dictum was "Economics are the method; the object is to change the heart and soul."¹¹⁸ Labor supporters agree with the strategy. But unlike Thatcher, for whom "society" didn't exist, we want a society in which social arrangements encourage our looking out for each other – as does a good union.

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REGIONAL LABOR REVIEW, vol. 16, no. 1 (Fall 2013).

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NOTES:

- 1 This article was first presented at Quest, A CCNY/CWE Community for Lifelong Learning, April 2013 and slightly revised September 2013. It could not have been written without the dedicated work of labor historians, economists, lawyers, and union activists whose studies I've used and referenced in these notes. I am grateful to Ann Robertson and Bill Leumer for their critical reading and suggestions.
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- 4 Janet Gornick interview on inequality, http://www.gc.cuny.edu/CUNY_GC/media/CUNY-Graduate-Center/PDF/Publications/Folio/FOLIO_WINTER_2013.pdf#page=16 McKinsey's survey
- 5 James Gray Pope, Peter Kellman & Ed Bruno, "We Are Already Dead": The Thirteenth Amendment and the Fight for Workers' Rights After EFCA," National Lawyers Guild Rev, v. 67, 2, Sum 2010, 110
- 6 <http://www.nytimes.com/2010/01/23/business/23labor.html>
- 7 <http://www.nytimes.com/2010/01/23/business/23labor.html> Greenhouse
- 8 <http://www.unionstats.com/> <http://www.bls.gov/news.release/pdf/union2.pdf> [2012]
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- 10 Harold Meyerson, "If Labor Dies, What's Next?" <http://prospect.org/article/if-labor-dies-whats-next>
- 11 attacks on public sector workers. "beggar thy neighbor" divide tactic: I. Ness, URPE Newsletter, Winter 2013.
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- 14 <http://www.americanprogressaction.org/issues/labor/report/2012/01/25/10913/unions-make-democracy-work-for-the-middle-class/> David Madland and Nick Bunker
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- 16 http://www.pennlive.com/midstate/index.ssf/2011/02/your_comments_unions.html
- 17 <http://www.nytimes.com/2010/01/23/business/23labor.html> Steven Greenhouse
- 18 <http://mrzine.monthlyreview.org/2006/yates300306.html> Robert Fitch
- 19 <http://www.counterpunch.org/2012/05/30/whats-an-american-workers-life-worth/> 4,609 fatal injuries on the jobs 2011 <http://www.bls.gov/news.release/pdf/cfoi.pdf> and http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=TESTIMONIES&p_id=1122
- 20 "In 2001 a tank full of sulfuric acid exploded at an oil refinery in Delaware, killing Jeff Davis, a worker at the refinery. His body literally dissolved in the acid. The OSHA penalty was only \$175,000. Yet, in the same incident, thousands of dead fish and crabs were discovered, allowing an EPA Clean Water Act violation amounting to \$10 million." OSHA, *ibid*
- 21 <http://www.nytimes.com/2013/03/31/us/osha-emphasizes-safety-health-risks-fester.html>
- 22 *Ibid*. "according to testimony by a plant manager in a successful

- lawsuit in Mississippi brought by four cushion workers who suffered severe nerve damage from the glue."
- 23 <http://www.bloomberg.com/news/2013-01-23/the-real-reason-for-the-decline-of-american-unions.html>
- 24 <http://www.sharedprosperity.org/bp182.html> and Marsh, Class Dismissed, MR Press, 2011, p. 196 and <http://www.sharedprosperity.org/bp182/bp182.pdf> Richard Freeman
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- 26 http://en.wikipedia.org/wiki/National_Labor_Relations_Board#1935-1939:_Constitutionality.2C_communist.2C_and_organizational_changes
- 27 Denis M. Hughes, "A Voice for Labor, Deftly Applied" <http://www.nytimes.com/2004/12/21/nyregion/21profile.html>
- 28 <http://prospect.org/article/if-labor-dies-whats-next> [1947-1970] Meyerson
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- 30 Ann Robertson and Bill Leumer <http://www.countercurrents.org/leumer310812.htm>
- 31 <http://www.nytimes.com/2013/02/28/business/energy-environment/afl-cio-backs-keystone-oil-pipeline-if-indirectly.html>
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- 35 <http://www.counterpunch.org/2012/06/04/unionizing-prison-guards-in-an-age-of-mass-incarceration/>
- 36 <http://www.countercurrents.org/leumer310812.htm> *How Unions Could Do Much Better*, 8/12 <http://www.counterpunch.org/2012/08/31/how-unions-could-do-much-better/>
- 37 <http://www.gallup.com/poll/148163/Americans-Confident-Military-Least-Congress.aspx>
- 38 <http://www.gallup.com/poll/149279/Approval-Labor-Unions-Holds-Near-Low.aspx>
- 39 <http://lbo-news.com/2012/06/06/walkers-victory-un-sugar-coated/>
- 40 Mike Elk, <http://www.thenation.com/blog/168435/opinionnation-labors-bad-recall>
- 41 *Ibid*. This section is based on Elk's work. He is a labor reporter and organizer.
- 42 <http://www.opensecrets.org/industries/totals.php?cycle=2012&ind=P>
- 43 Micah Uetricht, "Strike for America: The Chicago Teachers Union and the Democrats," *Jacobin*, Winter 2013
- 44 *If voting changed anything, they'd make it illegal*. Emma Goldman
- 45 <http://www.pionline.com/article/20120306/DAILYREG/120309934/new-york-state-comptroller-takes-aim-at-8216anti-pension-advocates>

- 46 <http://lbo-news.com/2013/07/19/some-unions-complain-about-obamacare-discreetly/> See also "Obama To Labor Unions With Multi-Employer Health Plans: Drop Dead," <http://www.forbes.com/sites/theapothecary/2013/09/14/obama-to-labor-unions-multi-employer-health-plans-drop-dead/>
- 47 Henwood argument.
- 48 This did not stop the AFL-CIO from sitting out the McGovern-Nixon election in 1972. "... he was the only Democratic presidential nominee of modern times not to get the AFL-CIO's endorsement. More precisely, labor split on whether to endorse him. Uber-hawk George Meany, the AFL-CIO president who not only supported the Vietnam War but reviled the peaceniks and all the new-politics crowd (women, non-machine blacks, college students) who rallied to McGovern's cause, never even considered the idea of endorsing McGovern. But nine major unions, including the UAW, the Communications Workers, and AFSCME, did support him...." <http://prospect.org/article/four-notes-george-mcgovern> McGovern supported ending the war, a guaranteed income, and women's reproductive choice. <http://www.counterpunch.org/2009/02/01/return-of-the-democrats/>
- 49 <http://www.thenation.com/article/172919/unions-put-organizing-first> Bronfenbrenner
- 50 *ibid*
- 51 <http://prospect.org/article/if-labor-dies-whats-next> Meyerson <http://mrzine.monthlyreview.org/2006/yates300306.html> Fitch
- 52 <http://lbo-news.com/2012/05/22/explaining-what-exists-in-memory-of-bob-fitch/> Doc: *fitchOrganized labor.docx*
- 53 <http://lbo-news.com/2013/01/28/labor-legend-jerry-brown-responds-to-critics-of-jane-mcaveley/>
- 54 <http://www.laborers.org/Fitchmonthlyreview.htm> interview: Michael Yates with Robert Fitch; <http://lbo-news.com/2012/05/22/explaining-what-exists-in-memory-of-bob-fitch/> "...there were ... sweetheart deals with nursing home operators, in which SEIU was granted the right of representing workers at some homes in return for ceasing organizing efforts at others – and for agreeing to lobby on behalf of the operators' political agenda, which included defeating a bill of rights for nursing home residents, and forbidding workers to agitate on behalf of the residents." <http://mrzine.monthlyreview.org/2006/yates300306.html>
- 55 *Solidarity for Sale*, p. 5, 2006. 1880's self-interest of craft unions beat solidarity. AFL-CIO is still an umbrella org and can't call a national strike. Autonomy is overriding issue. AFL got tacit support from the FBI under Hoover, who insisted mob didn't exist while tapping CIO phones for subversives. Some public sector unions also corrupt, eg DC37, stealing vote on an agreement with Giuliani that members had voted down. Fitch's advice: reform requires worker assent to a union to assure commitment. Make leadership a sacrifice, not a sinecure. Free the labor press. Let members decide on political contributions. Publish info on staff spending. Shop level councils.
- 56 *Ibid*, 14. The problem reflects a protective system based on exclusive jurisdictions and bargaining, and job control.
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- 58 <http://www.counterpunch.org/2013/03/25/has-everyone-improved-except-working-people/> Macarary
- 59 Michael Schiavone, *Unions in Crisis?* p. 107 Hofstra electronic books, Adobe Digital Editions

⁶⁰ <http://www.thenation.com/article/172684/how-two-tier-union-contracts-became-labors-undoing> Uchitelle

⁶¹ <http://www.niu.edu/~rfeurer/labor/PDF%20Files/Moody-Concessionary%20Bargaining.pdf> Schiavone, *Unions in Crisis?* 107, Illusion of social contract. Hofstra electronic books, Adobe Digital Editions

⁶² Notes from the Brink: The Economy in the Winter of 2013 <http://zss-blg.blogspot.com/> <http://online.wsj.com/article/SB10001424127887323751104578151421660252196.html>

⁶³ Michael Schiavone, *Unions in Crisis?* 13. In 1938, op. cit

⁶⁴ Kim Scipes, from a post to the mailing list of cpeonline: "the first year after the war, September 1945-September 1946, over 116 million production days were lost during strikes. This included the national strikes in steel, auto, electrical parts, and meatpacking in early 1946, ... The strikes were more than just mere 'economic' strikes; they were political. And they laid the basis for the emergence of the great American 'middle class.' ... labor-induced concessions ... raised wages, improved working conditions, expanded benefits, etc., ... allowed production workers to enter the 'middle class.' ... And it was this that caused the decreasing economic inequality between 1948-68." See also <http://www.zcommunications.org/neo-liberal-economic-policies-in-the-united-states-by-kim-scipes-1.html>

⁶⁵ Scipes, *ibid.*

⁶⁶ Ellen Schrecker, "Labor and the Cold War: The Legacy of McCarthyism," in Robert Cherny et al, *American Labor and the Cold War: Grassroots Politics and Postwar Political Culture*, 2004.

⁶⁷ Marc Dixon, "Limiting Labor" http://www.dartmouth.edu/~socypdfs/MDD_Limit_Labor_07.pdf 313

⁶⁸ Dixon, *ibid.* 314

⁶⁹ Michael Honey's review essay, *Labor History*, 374 http://www.d.umn.edu/~epeters5/MAPL5112/5112%20Articles/Operation%20Dixie_Two%20Points%20of%20View.pdf

⁷⁰ *ibid.* and Michael Goldfield, "The Failure of Operation Dixie: A Critical Turning Point in American Political Development?," in *Race, Class and Community in Southern Labor History*, ed. Gary M. Fink and Merl E. Reed, 1994, 166-89. This is an important subject, too difficult to summarize here, as the failure "marginalized the labor movement in national politics" [p.167] and its success might have advanced the Civil Rights movement by several years [168] in Goldfield.

⁷¹ Elaine Bernard, "The War Against Unions, Unions in America", [Pt. 2] <http://www.njfac.org/videos.htm>

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⁷³ Scipes, *op.cit.*

⁷⁴ Ellen Schrecker, "McCarthyism and Organized Labor: 50 Years of Lost Opportunities," *WorkingUSA*, J/F 2000, 100.

⁷⁵ Scipes, *op.cit.*

⁷⁶ Schrecker, *WorkingUSA op. cit.*, quotes Robert Zieger, 94.

⁷⁷ Thomas Geoghegan, *Which Side Are You On?* 52.

⁷⁸ Schiavone, *op.cit.*, p. 13. Michigan, added it 12/2012

⁷⁹ <http://www.counterpunch.org/2012/12/13/losing-michigan/> These outlawed both the union shop, which required employees to be union members, and the agency shop, requiring non-union employees to pay union fees. They can't run for union office or vote in union elections, not major losses for most people

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⁸⁴ Pope et al, *op. cit.* Pope is a law professor; Kellman and Bruno are labor officials.

⁸⁵ John Logan, "Consultants, lawyers, and the 'union free' movement in the USA since the 1970s", *Industrial Relations J*, 33:3 8/02

⁸⁶ Geoghegan, *Which Side Are You On*, 52-3.

⁸⁷ Scipes, *op.cit.* See also Ellen Schrecker *Many are the Crimes*

⁸⁸ <http://www.alternet.org/books/timothy-noah-why-rich-are-getting-richer-and-middle-class-disappearing>

⁸⁹ <http://monthlyreview.org/2012/03/01/reviving-the-strike-in-the-shadow-of-patco> http://www.alternet.org/story/154595/how_ronald_reagan_broke_the_air_traffic_controllers_union_and_why_that_fight_still_matters

⁹⁰ Marsh, *Class Dismissed*, *op. cit.*, 196-7 quotes Freeman.

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⁹⁴ *Ibid.*, 35.

⁹⁵ <http://www.cepr.net/index.php/op-eds-&-columns/op-eds-&-columns/do-progressives-have-to-be-loser-liberals>

⁹⁶ <http://prospect.org/article/court%E2%80%99s-scott-walker-moment> and http://www.alternet.org/story/156003/how_the_supreme_court%27s_%27knox_v._seiu%27_decision_could_dismantle_union_security_around_the_country? "their opinion all but begs right-wing advocacy groups and public employers to use its emerging First-Amendment jurisprudence to take down public-employee unions and in essence find a Southern-style 'right to work' law in the Constitution."

⁹⁷ HenwoodInterviewGindin.doc

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¹⁰⁴ <http://www.alternet.org/labor/innovative-model-helping-save-future-unions-and-may-turn-election> Karen Nussbaum

¹⁰⁵ Steven Greenhouse, "Unions Recruit New Allies," <http://www.nytimes.com/2012/11/05/us/politics/unions-recruit-allies-on-obamas-behalf.html>

¹⁰⁶ <http://www.counterpunch.org/2012/12/21/one-year-after-the-west-coast-port-shutdown/>

¹⁰⁷ <http://www.changetowin.org/>

¹⁰⁸ <http://www.theneoprogressive.com/2013/01/retail-rebellion/> and <http://www.counterpunch.org/2013/01/16/retail-rebellion/> Brian Tierney

¹⁰⁹ <http://www.bloomberg.com/news/2013-02-15/wal-mart-executives-sweat-slow-february-start-in-e-mails.html> This was a response to the rise in the payroll tax, but sales continue to be a problem: "U.S. sales at stores open at least a year at the company's main Walmart chain fell 0.3 percent in the second quarter ... " <http://www.reuters.com/article/2013/08/15/us-walmart-results-idUSBRE97E0HA20130815>

¹¹⁰ <http://www.nytimes.com/2013/02/01/business/labor-union-agrees-to-stop-picketing-walmart.html> "Workers allege that Walmart exploited that agreement to unleash a new round of intimidation against workers. ... Walmart managers held mandatory meetings in which managers read from a memo telling workers that the strikes had been illegal, and that OUR Walmart was being dissolved. 'They said that anybody who associates themselves with OUR Walmart, and the leaders, and the organization as a whole, could face disciplinary actions,' said Harris. He ... had heard about them from co-workers in states including Florida, Illinois, Kentucky and Maryland." <http://www.thenation.com/blog/172748/walmart-workers-are-back-strike-over-new-wave-alleged-threats>

¹¹¹ V. Devinatz, "The Crisis of US Trade Unionism and What Needs to Be Done," *Labor Law J*, V. 64, Iss.1 (Spring 2013)

¹¹² Institute for Southern Studies, <http://scfl.org/uln.php?ulnid=1605>

¹¹³ Micah Uetricht, "Strike for America: The Chicago Teachers Union and the Democrats," *Jacobin* Winter 2013

¹¹⁴ http://www.huffingtonpost.com/2012/09/18/chicago-teachers-strike-c_n_1893184.html 55%

¹¹⁵ <http://www.counterpunch.org/2012/12/07/the-resurrection-of-bob-fitch-and-the-post-occupy-left/>

¹¹⁶ Speech of Kent Wong, director, UCLA Labor Center, <http://www.thenation.com/blogs/josh-eidelson#axzz2eXoiMD5Q> More on the convention: <http://www.thenation.com/blog/176093/afl-cio-pledges-prison-reform-partnerships-and-accountable-organizing-plans#>

¹¹⁷ <http://www.counterpunch.org/2013/09/11/what-direction-for-labor/>

¹¹⁸ Ronald Butt, "Margaret Thatcher: Interview for *Sunday Times*," *London Times*, 5/3/81 <http://www.margareththatcher.org/document/104475>

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