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## ADDRESSES

### TRADE UNIONS IN THE UNITED STATES AND THE CRISIS IN VALUES: TOWARDS A NEW LABOR MOVEMENT†

PAUL C. MISHLER\*

Most discussions of the current state of the labor movement begin with numbers. Economists and other social scientists will detail declining numbers of union members or the growth of economic inequality. These numbers are undoubtedly important. They paint a picture of severe social and institutional crisis facing workers in the U.S. and their organizations. But I am going to begin with a discussion of values because behind these numbers is a crisis in values.

Trade unionists or their allies rarely talk of the moral and ethical bases of the labor movement. One hundred years ago—at the birth of the modern labor movement—it was a common point of departure. Labor was making a claim, not only for economic equity and justice, but also for a new morality in social organization. It is an expression of the current weakness of the labor movement that this discussion has been marginalized.

The modern labor movement was born with the industrial age. It began among displaced artisans and new industrial “hands” in the new factories. This new movement held ethical beliefs and values that justified their activity, and supported its claims to a place in U.S. society. While many of these values trade unionists and labor activists shared with their fellow citizens—such as belief in democracy and economic opportunity—other values were grounded in the experience of labor alone.

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† On April 4, 2006, the *Notre Dame Journal of Law, Ethics & Public Policy* hosted a symposium on The Future of Labor Unions. Paul C. Mishler was the first speaker at the Symposium. His remarks have been revised for publication. See also Jackie Smith, Economic Globalization and Labor Rights: Towards Global Solidarity? (Apr. 4, 2006), in 20 NOTRE DAME J.L. ETHICS & PUB. POL'Y 873 (2006).

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So what is at the core of labor's values? I would argue these values could be summed up in the word "solidarity." We know this word from the anthem of U.S. labor "Solidarity Forever" or from the title of the United Auto Workers magazine. But what does the word mean? Solidarity is the belief that what is most important—both ethically and in terms of efficacy—is that workers stand up for each other. Other values such as the previously mentioned democracy and opportunity are, at root, means by which people stand up for themselves and their interests. They fit neatly into the individualist ethos that has, for too long, characterized the culture of the U.S. Solidarity is different. The principle of solidarity asks us to look to our fellow workers; to ask what they need; and to stand up for them. The moral framework of solidarity asks us to always recognize that, *because* of the social structures of inequality and the vastly unequal power with which most working people face their employers, we need always ask ourselves who among us needs us to stand with them. Yet this is not a self-denying or ascetic morality. It is also the basis of how we accomplish real gains—it is the basis for how trade unions have won better wages, shorter hours, and safer working conditions. From the history of labor we learn that only when workers stand together—overcoming prejudices and parochialism—has anything ever changed. Yet one element of the current state of labor in the U.S. today has been the de-emphasis of solidarity. Unions promote the view that they are involved in a selfish endeavor, and solidarity means "how can you help me"—not how can I help my fellow workers—especially if they are poorer, have a darker skin color, or were born in another country. Perhaps I am overstating this, but it does seem that unions in the U.S. only became concerned with the impact of global capitalism on workers in the developing world when jobs began leaving the U.S. . The long history of imperial exploitation prior to this current period of globalization was rarely opposed, and often supported by U.S. unions.

When we begin to discuss the future of the labor movement in the U.S. we need to face hard facts, within a framework of hope. Trade union membership, both in absolute numbers and as a percentage of the workforce is lower than it has been for decades. Industries that were centers of organized workers, such as steel and auto, are moving out of the country, facing stiff competition from abroad, and downsizing their workforces. The unions representing these workers are, as a result, losing membership, bargaining strength, and political clout. The promise that these jobs would be replaced by newer, and better-paid and more satisfying jobs has not been realized. Many white collar

jobs pay less than the unionized industrial jobs, and even these are being outsourced to parts of the world where wages are lower. This decline is not a recent phenomenon. It is not a result of recent globalization, or the succession of Republican presidents. As Michael Goldfield points out in his aptly titled *The Decline in the Labor Movement in the United States*, it has been going on since the mid-1950s.<sup>1</sup> This decline does not affect union members only. Union membership still brings distinct advantages in wages, conditions, and benefits. According to the U.S. Bureau of Labor Statistics only 7.9% of workers in the private sector have union representation.<sup>2</sup> At the same time 53% of non-members would like to be.<sup>3</sup> The weakness of the labor movement is expressed throughout the workforce. American workers work longer with fewer benefits than comparable workers elsewhere in the industrialized world. According to economist Juliet Schor, we work about as long as we did during the 1920s—prior to the tremendous increases in productivity during the 1950s, and more recently as a result of computerization.<sup>4</sup> For women, overwork is more prevalent due to the continued existence of the “double shift”—women still bear the major responsibility for housework and childcare after they return home from work.<sup>5</sup>

The past thirty years has seen a tremendous change in the kinds of work we do. There are fewer of us who work in manufacturing and agriculture. This has been particularly disastrous to Black workers. Unemployment in the African American communities remains at crisis levels; half of African American men, including high school graduates were unemployed in 2004.<sup>6</sup> There has also been an expansion of employment in two areas. At one end, workers in retail and service jobs are often immigrants and young people. They work without benefits, job security, and for wages which leave them living well below the federal

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1. See MICHAEL GOLDFIELD, *THE DECLINE OF ORGANIZED LABOR IN THE UNITED STATES passim* (1987).

2. Bureau of Labor Statistics, U.S. Dep't of Labor, Table 3. Union Affiliation of Employed Wage and Salary Workers by Occupation and Industry, *available at* <http://stats.bls.gov/news.release/union2.t03.htm> (last visited Apr. 1, 2006).

3. PETER D. HART RESEARCH ASSOCIATES, *THE AFL-CIO, LABOR DAY 2005: THE STATE OF WORKING AMERICA 7* (2005), *available at* [http://www.aflcio.org/aboutus/laborday/upload/ld2005\\_report.pdf](http://www.aflcio.org/aboutus/laborday/upload/ld2005_report.pdf).

4. JULIET B. SCHOR, *THE OVERWORKED AMERICAN: THE UNEXPECTED DECLINE OF LEISURE 1* (1992).

5. See generally ARLIE RUSSELL HOCHSCHILD, *THE SECOND SHIFT* (2003).

6. Erik Eckholm, *Plight Deepens for Black Men*, *Studies Warn*, N.Y. TIMES, Mar. 20, 2006, at A1.

poverty line. Yet young college-graduates in white-collar jobs face similar problems. They work as office workers, teachers, and health care workers. They are unable to pay rent or mortgages, and they live with their parents.<sup>7</sup> They enter the workforce with tens of thousands of dollars in student loans, which means they will never attain economic stability. According to one study, thirty-nine percent of all students who graduate with student loan debt have “unmanageable” debt—meaning that monthly payments are more than eight percent of their monthly incomes.<sup>8</sup> At the same time the levels of economic inequality have become greater than at any time since the 1930s. The top five percent in income controls more than half of the wealth, and there is a greater concentration of population at the bottom.<sup>9</sup>

If one watches television or reads the newspapers one might never know this is what our people face. It seems that we are all flush with disposable income—taking cruises, purchasing high fashion clothes, and worrying about which private nursery school to send our children to.

In this Address I will look at how labor got to its current predicament, and present some proposals for where it needs to go in order that all of us who are working, or hope to work, will have jobs which provide real economic security, higher levels of job satisfaction, and in the end a more just society—and indeed, world.

To begin, I would like to make a distinction between the trade unions and the labor movement. Commentators, both within and outside of labor often merge these two categories—we speak of the labor movement when in fact we are mainly referring to the trade unions. The merging of these two terms is grounded in the history of both the labor movement and the trade unions, as I will show, but the distinction is still an important one. It is particularly important for the U.S. This distinction between trade unions and the labor movement allows us to view trade unions developing as administrative institutions and the labor movement as having a moral, social, and political function. In this Address, I will argue that part of the current weakness of both the labor movement, generally, and the trade unions in particular, is the result of the separation between these

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7. STEPHANIE COONTZ, *THE WAY WE NEVER WERE* 188 (1992).

8. Sharon Syzmanski, *Free Tuition at All Public Colleges and Universities for Students Who Meet Admissions Standards* (Debs-Jones-Douglass Inst., Working Paper No. 18, 2002).

9. Derrick Z. Jackson, Editorial, *Income Gap Mentality*, BOSTON GLOBE, Apr. 19, 2006, at A11.

two functions. The solution is to bring them together, as they were in the past.

The trade unions are legally recognized institutions for the collective representation of a particular group of workers at a particular workplace and in a particular trade. Their members expect that they carry out the functions of collective bargaining, of representing their members in conflicts on the job, and often to administer a wide series of benefits gained through collective bargaining such a medical insurance and pensions. These functions are not based solely on the desires of the membership, but are structured by the conditions of law, under which unions function, especially the Wagner Labor Relations Act of 1935<sup>10</sup> and the Taft-Hartley Act of 1947.<sup>11</sup> The labor movement, on the other hand, as I am using the term, refers to the wide range of organizations and movements dedicated to improving the condition of working people. These include trade unions, but also political parties, grass-roots mobilizations, and sympathetic individuals. The merger of these two categories is rooted in the fact that since the inception of labor organizing, at the dawn of the industrial age, the struggle for the legality of trade unions was a central issue. In fact, much of labor history in its most dramatic moments can be seen as aspects of this struggle. Workers would organize a trade union, demand to negotiate with employers, and face obstacles ranging from military repression, violent goon squads, and the imprisonment of their leaders. While the demand for trade union legality was at the center of worker organization in the 19th and early 20th century, it did not stand alone. Trade unions worked closely with other forms of worker organization, such as political parties and mutual aid societies, and included sweeping perspectives on what kind of society would be more fair to workers. While in Europe the development of trade unionism occurred in tandem with socialist-oriented political parties, this did not occur here. Socialism, as most commentators have noted, was always small. Yet, even though socialist political expression was weak, many of the key individuals involved in creating trade unions had broad visions of social change, including socialism. This ranges from 19th century socialist P.J. Maguire Carpenter, leader and founder of the American Federation of Labor, to Communist CIO organizers during the 1930s.

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10. National Labor Relations Act of 1935, Pub. L. No. 198, 49 Stat. 449 (1935) (codified as amended at 29 U.S.C. §§ 151–169 (2000)).

11. Labor-Management Relations (Taft-Hartley) Act, Pub. L. No. 80-101, 61 Stat. 136 (1947) (codified as amended at 29 U.S.C. §§ 141–197 (2000)).

First we need to examine how this separation occurred. The struggle for trade union legality was achieved during the 1930s—especially under the auspices of Franklin Roosevelt’s New Deal administration. Most important was the passage in 1935 of the Wagner Labor Relations Act. The Wagner Act mandated that trade unions were to be viewed, not as in opposition to, but as constituent elements of, democratic society.

The nature of this victory was expansive, and opposed vehemently by employers. Fierce battles continued from 1935 through the beginning of the Second World War. Even with mandated legality, trade unionists faced violent opposition throughout the U.S. Union organizers were often arrested and sometimes worse. In Chicago, in 1937, police fired upon unionists killing ten, and in the auto factories, Ford’s private police force assaulted organizers and intimidated workers.<sup>12</sup> It was the militant shop-floor organizing by both CIO and AFL unions, along with a sympathetic national administration, which put unions at the center of the U.S. economy by 1945.

During this period U.S. unions learned how to be unions within the parameters set by the Wagner Act. Contracts became more complex, covering ever-increasing aspects of life on the job. Employers were subject to legal and monetary sanctions under the Unfair Labor Practices provisions of the law, and there were few limitations on traditional trade union activities. The framework of the labor movement as a social movement with the trade unions at the center was expressed in the multiplicity of activities carried out by trade unions beyond their contractual responsibilities, such as political organization and cultural activities. For example, in the South, unions such as the Farm Equipment Workers in Louisville, the National Maritime Union and Furniture workers in Memphis, and the Food, Tobacco and Agricultural Workers in North Carolina became the center of an emerging Civil Rights movement.<sup>13</sup>

In the post-World War II period the CIO, in particular, linked the growing strength of the trade unions to a broad social agenda. The period from 1946–1948 was one in which labor

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12. See Dan McCosh, *History Bows At a Ford Plant*, N.Y. TIMES, Apr. 16, 2004, at F1.

13. See MICHAEL K. HONEY, *SOUTHERN LABOR AND BLACK CIVIL RIGHTS: ORGANIZING MEMPHIS WORKERS* 245–77 (1993); ROBERT RODGERS KORSTAD, *CIVIL RIGHTS UNIONISM: TOBACCO WORKERS AND THE STRUGGLE FOR DEMOCRACY IN THE MID-TWENTIETH SOUTH* 1–12 (2003); Toni Gilpin, *Left by Themselves: A History of the United Farm Equipment and Metal Workers Union, 1938–1955*, at 482–535 (May 1992) (unpublished Ph.D. dissertation, Yale Univ.) (on file with Univ. of Ill.).

showed its strength in multiple ways. Strikes in local industries turned into city-wide general strikes in fifteen cities from Bridgeport, Connecticut to Oakland, California.<sup>14</sup> The CIO social program called for full employment programs, national health care, and extensive public housing construction, and for an end to racial segregation in the South. This was, as historian David Montgomery has noted, labor's true golden age.<sup>15</sup>

What happened? Why did labor in the U.S. retreat from the ambitious program they proposed during the early post-World War II period. In my view this cannot be understood without looking at the impact of the emerging Cold War. The Cold War framework began during the final days of World War II. The U.S. saw itself in a world conflict with the Soviet Union. This played out domestically as an attack on the labor movement. While the popular presentation in Hollywood of the "Red Scare" has often focused on blacklisting, or more recently in George Clooney's movie, *Good Night, and Good Luck*,<sup>16</sup> on McCarthyism, the "Red scare" in fact began as a response to labor's post-World War II upsurge. Seeing the labor movement at the center of far-reaching social demands including challenges to Southern racism, a coalition of Republicans and Southern conservative Democrats passed the Taft-Hartley Act, over President Truman's veto, in 1947.<sup>17</sup>

The Taft-Hartley Act had three important, but seemingly contradictory characteristics. First, it recognized the continued legality of trade unionism. This was somewhat of a turn-around for Republican conservatives who had deeply opposed the original Wagner Act. Secondly, Taft-Hartley put severe limitations on trade union practices. While Wagner had listed "unfair labor practices" by employers, Taft-Hartley included "unfair labor practices" engaged in by unions. The law outlawed traditional labor activity such as sympathy strikes, closed shops and union hiring halls. Furthermore it mandated that management retain the right to determine shop floor organization and productivity. Most of the practices prohibited by the Act were those in which workers acted in solidarity with others, and enforced that solidar-

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14. GEORGE LIPSITZ, *RAINBOW AT MIDNIGHT: LABOR AND CULTURE IN THE 1940s*, at 99-100 (1994).

15. See David Montgomery, *Planning for Our Futures*, in *AUDACIOUS DEMOCRACY: LABOR, INTELLECTUALS, AND THE SOCIAL RECONSTRUCTION OF AMERICA* 64 (Steven Fraser & Joshua Freeman eds., 1997). Montgomery argues nostalgia for the prosperity of the 1950s masks labor's defeat in the late 1940s. *Id.*

16. *GOOD NIGHT, AND GOOD LUCK* (Warner Indep. Pictures 2005).

17. Labor-Management Relations (Taft-Hartley) Act, Pub. L. No. 80-101, 61 Stat. 136 (1947) (codified as amended at 29 U.S.C. §§ 141-197 (2000)).

ity. With Taft-Hartley, trade unions would maintain their hard fought systematic legitimacy, but it would now be within the confines of legal restrictions that gave burdensome administrative functions to the unions. The long-term struggle over what happened in the work place was taken out of their hands and given solely to management. Finally, in order to make sure the unions would go along, Taft-Hartley required that every elected union official sign an affidavit attesting that they were not Communists. If they refused, the union would no longer be able to count on the protection of the National Labor Relations Act. This was not an abstraction, nor was it directed against the Soviet Union.

U.S. Communists had been the key organizers of the CIO and held *elected*, leading positions in many of them. The problem was that Communists and other radicals were the link between the trade unions and the larger labor-based social movement. It had been the Left in the labor movement that had pushed for the broad social demands for realizing the promises of the last Roosevelt administration. It was the connection between the trade unions and the social movements that the conservatives wanted to break.

The CIO initially called for the defeat of Taft-Hartley but learned to live with it. In particular, middle-of-the road labor leaders were able to consolidate their position in their own organizations by allying with old-line conservatives. The merger of the American Federation of Labor, led by conservative Plumber George Meany, with the CIO in 1956 reflected this change.

It is worth noting here the particular support given to the "Red Scare" by the American Association of Catholic Trade Unionists, always a conservative force in the CIO, who became the main support inside the trade unions for the attack coming from above.<sup>18</sup> Interestingly, Father Charles Owen Rice of Pittsburgh, who was one of the key figures in Catholic to support the CIO and played a significant role in the attacks on the left-led United Electrical Workers (UE), later apologized for his role in the Red Scare, and noted that its effect was to seriously weaken the labor movement as a whole.<sup>19</sup>

In effect, the combination of Taft-Hartley, the Red Scare (including the expulsion of eleven unions from the CIO), and the resulting merger of the AFL-CIO, was the beginning of a

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18. See STEVEN ROSSWURM, *The Catholic Church and the Left-Led Unions: Labor Schools, Labor Priests and the ACTU*, in *THE CIO'S LEFT-LED UNIONS* 119 (Steven Rosswurm ed., 1992).

19. See generally Ellen Schrecker, *The Legacy of Charles Owen Rice*, 40 *LAB. HIST.* 64 (1999).

long-term decline in labor's strength. Ironically, the long-term decline in both union membership and density began at the moment that the two large labor federations rejoined forces in 1956.

Yet, it was not only the anti-labor stick that was used; there were carrots offered as well. The institutionalization of trade union legality—especially in mass production industries such as steel and auto—in combination with U.S. global economic domination, led to unprecedented prosperity for these workers, and indeed throughout the workforce. Furthermore, the expansion of publicly funded higher education, and increases in federal aid to public education, supported the American model of upward mobility as an answer to the challenges of both the Eastern and the Western European social democratic social welfare models. U.S. workers hoped that their children would be saved from life in the factories by attending college and moving into white-collar jobs. Often they deliberately kept their knowledge of trade union principles and values from their children. It was as if the children understood what it took to win decent economic and working conditions for their parents, it would jinx the move to the middle class their parents hoped for them.<sup>20</sup>

It is important to recognize how limited, and exclusionary, these gains were. The trade unions gave up their efforts to organize in the South, and many of the AFL unions retained constitutional clauses excluding African American workers. Many of the jobs held by African American and Latino workers were left uncovered by labor law, such as in agricultural and domestic work. And public expenditure for housing and education was distributed to benefit whites and not African Americans.<sup>21</sup> Unions agreed to push women out of jobs they had worked in during World War II. Finally they agreed to a privatized structure of social welfare in which benefits such as health care would be distributed through collective bargaining. When social justice movements returned to the streets, prompted by the Southern Civil Rights movement, during the 1960s, the trade unions were

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20. Evidence for this is primarily anecdotal. In my more than twenty years as a labor educator, I have heard many trade unionists wonder why their own children are not supporters of labor, and realize that they had neglected to talk to them about the importance of unions in their own lives.

21. See Amy Fox, *Battle in Black and White*, N.Y. TIMES, Mar. 26, 2006, § 14 at 14, for an account of the 1952 battle to desegregate the middle-class housing development; Stuyvesant Town, in New York for how the new benefits received by the "middle-class" often explicitly excluded African Americans. The Levittown suburban communities in New York and Pennsylvania also explicitly excluded African American homebuyers. See Bruce Lambert, *At 50, Levittown Contends With Its Legacy of Bias*, N.Y. TIMES, Dec. 28, 1997, § 1 at 23.

often absent or opposed. Interestingly, the AFL-CIO was one of the last major institutions to support the war in Vietnam—even while most surveys of U.S. attitudes towards the war showed that workers were among the most likely to oppose it. The recent opposition by the AFL-CIO to the war in Iraq marks a major change in policy; it is the first war since the founding of the AFL in 1886 that trade unions have opposed.

Let us now return to the question with which I began—the nature of the moral crisis in the labor movement and what can be done about it. There have been tremendous changes in U.S. labor since 1995. In the first contested election since 1912 John Sweeny became President of the Federation. Unions such as SEIU and UNITE-HERE! have begun far-reaching organizing drives among low-wage service workers, and through programs such as Union Summer<sup>22</sup> they have reached out to young people. It is still a rocky road. A number of unions have left the AFL-CIO forming the Change to Win Coalition,<sup>23</sup> hoping to reverse the decline in strength and membership through aggressive organizing.

I have focused on traditionally based unions and their traditional blue-collar workforce. I want to add two points here to expand our discussion. First, the crisis in values that I have detailed within the labor movement is not restricted to the trade unions. Indeed, the impact of rampant anti-social individualism and consumerism permeates U.S. society. The application of “free-market” morality far beyond the realm of economics has been noted in analyses that focus on issues such as the loss of community,<sup>24</sup> as well as persistent crises in the funding of public social programs from health care and education to welfare. This even impacts those of us who work in the relatively well-paid social institutions as professional, administrative, and technical workers. While our jobs were often part of the promise offered to our working class parents or grandparents, these jobs are characterized by low pay (especially in relationship to student loan debt), long hours, and fierce competition *between* workers for jobs. We are told that we should be happy to be protected from blue-collar work, while we are often paid less than unionized manual workers. This sector, the one that many students aspire to, needs the protection and support that unions can offer.

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22. See Philip Dine, “Union Summer” *Helping Interns, Giving the Movement New Energy*, ST. LOUIS POST-DISPATCH, June 27, 1997, at 1C.

23. See Steven Greenhouse, *5 Top Unions Join Forces, Raising the Threat of a Labor Rift*, N.Y. TIMES, June 16, 2006, at A18.

24. See ROBERT D. PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* (2000).

What is needed is a return to, or renovation, of the principles of solidarity that led to much of the union power in the past. One cannot only appeal for aid when one's own union is attacked or by only asking annual rhetorical expressions of broad principles. It must be brought into the heart and soul of every union local and every worker, blue-collar or white-collar. It must be based on the belief that the workers needing the most support should get it. It must be international, no longer viewing U.S. workers as a special case but working on an equal footing with workers and popular organizations throughout the developing world. And it must reject the individualist and anti-democratic culture of consumer-driven capitalism in favor of real alternative visions of what a society characterized by economic and social equality might look like.

