

# Organized Labor in America: They Should Get a Union

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Global Research, November 18, 2009

[After Downing Street](#) 17 November 2009

Region: [USA](#)

Theme: [Law and Justice](#)

“If a majority of workers want a union, they should get a union. It’s that simple. We need to stand up to the business lobby and pass the Employee Free Choice Act. That’s why I’ve been fighting for it in the Senate and that’s why I’ll make it the law of the land when I’m president of the United States.” -Barack Obama

Nobody is making it the law of the land. Nobody is fighting for it. The Employee Free Choice Act (EFCA) has drifted down to the bottom of the AFL-CIO’s website, buried beneath good economic proposals which, however, do nothing to build a labor movement. EFCA is not to be found anywhere on the front page of Change to Win’s website at all. The media’s not smearing EFCA with U.S. Chamber of Commerce lies anymore. Congress and the White House are silent. Any escalation of pressure on senators from union members has never materialized, the polite letter-writing campaigns having drifted away rather than ramping up into pickets or sit-ins.

In this context, Steve Early’s new book “Embedded With Organized Labor” may be an extremely valuable resource, especially part IV on “Workers’ Rights and Wrongs.” Early is a journalist, an activist, a book reviewer, a historian, and a synthesizer of lessons from the past and present. We should draw on his knowledge, rather than viewing the current vice president’s “middle class task force” out of the context of so many recent failed commissions.

The Clinton administration’s “Commission on the Future of Worker-Management Relations” sought to determine how, and whether, unions could benefit management — as if that were the only good they might accomplish. Secretary of Labor Robert Reich was then able to encourage the commission to question the need for having unions at all: “The jury is still out,” Reich wrote, “on whether the traditional union is necessary for the new workplace.”

It strikes me that the fundamental error in such endeavors (commissions, task forces) lies in avoiding the real goal. When you push for a living-wage law because it will benefit businesses, you can lose out to the advantages of paying poverty wages. When you push for peace because Americans die in wars, you can lose out to wars carried on by drones and mercenaries. When you reform healthcare with the goal of pleasing the insurance companies, you lose sight of actually reforming healthcare. And when you defend union organizing as good for management, you lose touch with the purpose of union organizing, namely to allow workers to have some control over their lives.

The same mistake can be made when laws ARE passed. The National Labor Relations Act (or Wagner Act) of 1935 sets up an official body to mediate labor disputes. But when that body

delays, stalls, and abuses its power, workers can be left with a weaker right to organize than they had to begin with. Just as the War Powers Act weakened congressional checks on warrior presidents while trying to strengthen them, just as the Foreign Intelligence Surveillance Act weakened Fourth Amendment protections, just as statutory contempt eliminated the Congress's power (or at least habit) of holding people in contempt itself, a law that formalizes something won through eternal struggle cannot replace the struggle and risks creating new impediments.

That doesn't mean better laws aren't part of the solution. The Employee Free Choice Act would give teeth to the right to form new unions, assuming it was enforced after passage — something which will have to be fought for, not assumed. But what happens when a first contract runs out and new union members go on strike to demand a decent second contract? They can legally be replaced by scabs, and other unions cannot legally strike to support them. Those restrictions on our freedom of assembly must be undone with new laws that go further than EFCA, laws that repeal the Taft-Hartley Act and ban replacement workers. And then enforcement of those new laws will have to be insisted upon through collective action for as long as we hope to have them enforced.

How can this be done? How can we even get to the first step of demanding passage of EFCA? Whether we influence enough key senators to throw out the anti-democratic filibuster rule and then force 50 senators to pass EFCA, or we compel 60 senators to pass EFCA under the current outrageous arrangement, either way we are going to need an aggressive and activist labor movement organized democratically and controlled by its members, working in coalition with other groups, and investing in the long-term future of labor organizing as well as broader national policies that benefit workers and a communications system that benefits workers. This will necessarily mean a labor movement capable of recognizing and acting on the fact that electing Democrats alone accomplishes very little. Our labor movement's leaders need to develop a lot less interest in access to elected officials and a lot more in access to unorganized and organized workers. And that access to workers must be used not merely to build membership from the top down, but rather to facilitate workers' own building of a movement, a movement that includes all of us who work for a living.

**David Swanson** is the author of the new book "**Daybreak: Undoing the Imperial Presidency and Forming a More Perfect Union**" by Seven Stories Press. You can order it and find out when tour will be in your town: <http://davidswanson.org/book>.

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